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# Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

# Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

## Official Report of Debates (Hansard)

## Journal des débats (Hansard)

Thursday 8 June 2000

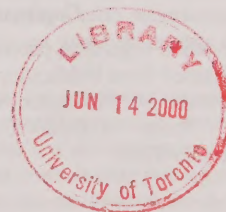
Jeudi 8 juin 2000

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

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Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 8 June 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 8 juin 2000

*The House met at 1000.  
Prayers.*

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### CITY OF OTTAWA AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LA LOI SUR LA CITÉ D'OTTAWA

Mrs Boyer moved second reading of the following bill:

Bill 79, An Act to amend the City of Ottawa Act, 1999 / Projet de loi 79, Loi modifiant la Loi de 1999 sur la cité d'Ottawa.

**The Acting Speaker (Mr Michael A. Brown):** The member for Ottawa-Vanier.

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier) :** C'est vraiment avec fierté et enthousiasme que je m'adresse à l'Assemblée législative pour entamer la discussion sur mon projet de loi 79, Loi modifiant la Loi de 1999 sur la cité d'Ottawa, qui vise à s'assurer que le gouvernement provincial reconnaisse la dualité linguistique de la nouvelle ville d'Ottawa, que ce gouvernement reconnaisse l'existence de groupes linguistiques à travers le Canada et que la région de la capitale nationale reflète ce fait.

I rise to speak on my private member's bill, which advocates official bilingualism in our nation's capital.

En tant que première femme franco-ontarienne à siéger à l'Assemblée législative de la province de l'Ontario, je me suis fait un devoir d'appuyer tout effort qui assurera la reconnaissance des droits linguistiques de la communauté francophone.

I speak here today with the ever-increasing conviction that the restructuring of Ottawa should never take place without including wholeheartedly the recognition that the French-language fact has a pivotal role to play in the daily operations of our national capital.

Mais avant de poursuivre, laissez-moi vous expliquer la raison pour laquelle je reviens à la charge avec ce projet de loi. En décembre dernier, lors de l'adoption du projet de loi sur la restructuration de la ville d'Ottawa, j'ai été extrêmement désappointée, extrêmement frustrée du fait que le premier ministre de l'Ontario, Mike Harris, et son gouvernement ont manqué à leur devoir de Canadiens et de Canadiennes en laissant tomber la

recommandation du conseiller Shortliffe portant sur le statut bilingue officiel de la ville.

Tout comme la commissaire aux langues officielles, M<sup>me</sup> Dyane Adam, j'estime que l'étude détaillée préparée par le conseiller spécial, M. Shortliffe, à la suite d'un processus de consultation très intensif, constituait une toile de fond appropriée à la nouvelle structure urbaine, y compris les aspects linguistiques, qui rejoignait à la fois les considérations d'efficacité et d'économie.

Je tiens à répéter que M. Harris a manqué une chance inouïe, une occasion inouïe, de ne pas aller de l'avant avec cette recommandation que la ville d'Ottawa soit déclarée officiellement bilingue, et ce par voie de législation provinciale. Quel affront aux francophones. Il avait vraiment une occasion en or de démontrer aux francophones de l'Ontario qu'il croyait en leur cause et qu'il nous voyait comme des citoyens et citoyennes à part entière. C'est une question d'égalité et de respect. Quel manque de jugement. Quelle lâcheté de remettre cette décision au comité de transition présidé par M. Bennett.

Si la recommandation de M. Shortliffe avait été insérée dans la loi, nous n'aurions pas ce débat aujourd'hui. Ce gouvernement aurait dû se prononcer sur la question. Il faut absolument adopter une loi établissant clairement le statut bilingue officiel de la nouvelle mégacité.

My bill calls for the requirement of full bilingualism in the written, oral and electronic communications executed by the municipal government in our national capital. My bill also calls for the provision of bilingual services in both English and French from any office of any municipal agency.

De plus, mon projet de loi demande que le conseil municipal désigne une personne comme ombudsman des services bilingues et dirige vers cette même personne les membres du public qui ont besoin d'aide relativement à toute plainte liée à leurs droits ou aux obligations de la cité visant au présent article.

Bien sûr, allez-vous me dire, ces mêmes points ont été abordés par le conseil de transition, qui a rendu sa décision le 8 mai dernier, lorsqu'il a annoncé sa politique linguistique, encore suite à une consultation publique très intensive avec les citoyens et les citoyennes de la ville d'Ottawa. Par contre, souvenons-nous que c'est une recommandation—ce n'est pas une loi—au conseil de la nouvelle ville d'Ottawa qu'il se devra de débattre et d'adopter lorsqu'il entrera en fonction le 1<sup>er</sup> janvier 2001.

Bravo. On dit que c'est un commencement. D'accord. C'est un commencement. Mais encore dois-je répéter que ce n'est qu'une recommandation, ce n'est pas insérée



dans la loi, et c'est déplorable. Nous devons à tout prix légiférer cette recommandation pour qu'elle réponde enfin aux attentes des contribuables, qu'ils soient français ou anglais, de se faire servir automatiquement et promptement dans leur propre langue sans devoir le demander. Est-ce qu'on tente de répéter le même débat que celui de l'hôpital Montfort ? Est-ce le même débat qui commence, qu'on nous promet et qu'on dit plus tard qu'on aura autre chose ? On y a goûté avec l'hôpital Montfort, croyez-moi.

Il faut absolument, et je me répète, que la nouvelle ville d'Ottawa soit déclarée officiellement bilingue par voie de législation.

Lorsque nous parlons d'Ottawa, nous pensons aux institutions nationales et à tout ce que ces institutions représentent. Ottawa est un endroit dont tous les Canadiens et Canadiennes, n'importe leur langue maternelle, peuvent être fiers. La ville d'Ottawa n'est pas une municipalité comme les autres. Son statut de capitale nationale le tient à part de toutes les autres villes de l'Ontario. Ce que les membres de l'autre côté de la Chambre refusent de voir, c'est que les deux communautés linguistiques ont droit à la dignité provenant de cette reconnaissance de dualité linguistique de notre cher pays.

I must remind you very clearly that it is not only francophones who are asking this government to recognize the French language by declaring it official in Ottawa. Let me tell you that a large majority of Ottawa citizens of both official language groups support the Shortliffe recommendation that Ottawa be declared officially bilingual. It is absolutely reprehensible that the government of Ontario has decided to ignore what is seen by many as the single most important recommendation made by the Shortliffe committee looking into the restructuring of the city of Ottawa.

M. Shortcliffe a même recommandé que le gouvernement de l'Ontario légifère de façon à désigner la ville d'Ottawa officiellement bilingue, en français et en anglais. Comment le gouvernement provincial a-t-il répliqué à cette recommandation ? En ne faisant rien et en essayant de se cacher derrière cette controverse. On nous a dit, au mois de décembre, « Ne craignez pas. Le comité de transition va pousser le nouveau conseil de ville d'Ottawa à mettre ce statut bilingue lors de leur nouveau conseil. »

Ce n'est pas ce qu'on veut. Ce n'est pas une recommandation. On veut que ce soit légiféré une fois pour toutes.

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At the end of the day, the issue remains a simple one: A nation's capital must reflect the reality of that nation's existence. Given its status as its nation's capital, the city of Ottawa must reflect the bilingual nature of this town, a nature where anglophones and francophones are equally respected and recognized, and equally entitled to the dignity that goes with such recognition. This government has the power to make it happen.

On se doit d'avoir un gouvernement qui reconnaisse ce fait. Ce dont est important de se souvenir, et ce qui est

au centre de cette crise, c'est que la capitale nationale doit refléter le caractère du Canada. Ce caractère en est un où les deux communautés linguistiques doivent se rapprocher, doivent travailler ensemble.

I am asking you for your support to reconsider the official bilingual status of the city of Ottawa. On se doit de reconsidérer et de repenser à légiférer cette recommandation de M. Shortliffe et de rendre finalement la capitale du Canada, la ville d'Ottawa, officiellement bilingue, de reconnaître la dualité linguistique de ses citoyens et citoyennes.

Merci beaucoup, Monsieur le Président. Thank you.

**M. Gilles Bisson (Timmins-Baie James) :** J'aimerais premièrement dire à M<sup>me</sup> Boyer, la députée d'Ottawa-Vanier, que je n'étais pas supposé d'être ici tout le matin. D'habitude, le jeudi, c'est le jour qu'on retourne à nos comtés dans le grand Nord. Mon comté va de Timmins à la baie d'Hudson. On a beaucoup d'ouvrage à ce point-là, mais j'ai pensé très important de venir ici aujourd'hui pour donner mon appui à M<sup>me</sup> Boyer.

Ce que M<sup>me</sup> Boyer essaie de faire, je pense, va dans la bonne direction. C'est-tu vraiment la manière de s'organiser avec ce qui est arrivé à la ville, la municipalité d'Ottawa ? Non. Je pense que le gouvernement aurait pu reconnaître, quand ils ont créé la loi qui a fusionné les municipalités, que toute loi municipale qui est en place, comme les désignations de la ville de Vanier ou d'autres qui disent que les services en français vont être offerts, va être respectée. Franchement, c'est ça que le gouvernement provincial aurait dû faire. Donc, je veux premièrement dire à M<sup>me</sup> Boyer que j'appuie le concept de son projet de loi et je vais le supporter, mais je pense qu'on aurait pu faire ça un peu différemment.

Ma vision est que, premièrement, la province elle-même doit être déclarée officiellement bilingue. Nous dans l'Assemblée législative avons le pouvoir, si on décide de le faire, de déclarer la province elle-même officiellement bilingue. En tant qu'Assemblée législative, on a ce droit. C'est nous qui gérons tous les services de la province qui viennent de la province elle-même. Ça veut dire tous les services des ministères de l'Assemblée législative et les services que donne notre gouvernement. On est bien situés, comme députés provinciaux, pour prendre cette décision, et je veux dire premièrement, comme on a dit toujours au NPD, qu'il est important que la province, une fois pour toutes, se déclare elle-même officiellement bilingue.

On a essayé de différentes manières. On a essayé, premièrement, sous le gouvernement de M. Peterson, l'approche de la Loi 8. Je pense que c'était une bonne idée ; je pense qu'elle allait dans la bonne direction. La loi a dit que, là où on avait assez de francophones dans nos régions, la province était pour donner des services en français.

Notre gouvernement, le gouvernement de M. Rae, a pris l'approche de mettre en place des services avant de déclarer la province officiellement bilingue, qu'on allait mettre en place des services comme les centres de santé



communautaires, les garderies, le collège, et j'en passe— beaucoup de services pour les francophones.

Mais ce qu'on a vu, c'est que, quand un gouvernement comme celui de M. Harris est élu, il peut défaire tous ces services. On a vu la Loi 8 vraiment érodée par ce gouvernement provincial. On voit, quand on fait le délestage à toutes les municipalités, comme on voit dans la loi qui crée la nouvelle ville, la supermegacity d'Ottawa, que le gouvernement provincial peut beaucoup défaire les atouts et avances que nous avons faits comme francophones en ce qui a trait aux services pour notre communauté, dans les municipalités comme dans la province.

C'est pour cette raison que je suis devenu convaincu, comme le restant de notre caucus après 1995, qu'il était important de déclarer la province elle-même officiellement bilingue une fois pour toutes, pour nous assurer que tous nos services sont protégés par la loi et que la seule manière pour un gouvernement de défaire ces services serait de revenir à l'Assemblée et se prononcer contre les services en français en donnant une loi qui ôte le statut officiellement bilingue. C'est quelque chose, je pense, qu'aucun gouvernement, même celui de M. Harris, voudrait faire.

Je veut dire, comme député néo-démocrate et porte-parole des affaires francophones, que moi-même, notre leader, Howard Hampton, et notre parti provincial, par motion à notre convention, nous sommes prononcés sur la question que la province doit être déclarée officiellement bilingue.

La question devient, est-ce que nous, la province, avons le droit de déclarer officiellement bilingue une municipalité ? Je comprends ce que M<sup>me</sup> Boyer essaie de faire. Elle est forcée, par les outils qu'elle a comme députée, d'essayer de trouver une manière de protéger les services pour les francophones et pour la communauté en général d'Ottawa. Elle se trouve avec beaucoup d'outils avec tous les changements que M. Harris a fait, et elle utilise sa capacité de mettre en place une loi de membre privé pour faire avancer le débat et essayer de protéger les services dans sa communauté. Pour ça, je l'appuie. Si j'étais dans sa situation, j'essayerais de faire le tout possible pour ma communauté pour protéger les services en français. C'est pour cette raison que je vais appuyer son projet de loi, mais je dis, je ne pense pas qu'il est à nous, comme province, de déclarer des villes officiellement bilingues. C'est aux conseils municipaux, soit à Ottawa ou à Timmins ou à Sudbury ou n'importe où. Ce sont les conseils qui ont besoin de déterminer si c'est quelque chose qu'ils veulent faire.

Dès que nous nous rendons, comme province, dans ce débat pour déclarer des villes officiellement bilingues, on commence à faire un peu ce que fait M. Harris avec tout le délestage qu'il a fait aux municipalités. C'est un « downloading » ou un délestage de services aux municipalités jusqu'à un certain point. Mais je veux dire que je comprends son point. Je comprends pourquoi elle le fait. C'est pour cette raison que je vais appuyer son projet de loi, mais je veux dire, franchement, qu'on doit essayer de trouver une autre manière.

Ce qu'on aurait pu faire dans la loi, et si la loi passe à la deuxième lecture, c'est regarder à mettre un amendement pas mal proche de l'amendement que mon caucus NPD a mis en place sous la loi qui a créé la nouvelle ville d'Ottawa. Je peux dire qu'on n'a jamais eu l'occasion d'avoir ce débat parce que le gouvernement, par motion de clôture, a fermé le débat sur la ville d'Ottawa. M<sup>me</sup> Boyer ainsi que moi, comme députés francophones de la province et comme personnes intéressées, n'avons jamais eu l'occasion de mettre en place nos amendements à la loi. C'est pour cette raison, je pense, que M<sup>me</sup> Boyer est ici aujourd'hui avec son projet de loi.

Ce qu'on doit faire, quant à moi, c'est insérer dans cette loi quelque chose qui dit, soit dans la ville de Sudbury ou la ville d'Ottawa, « Où qu'une municipalité offrait des services en français par voie de statut municipal »—en d'autres mots, la ville de Vanier comme, je pense, cinq ou six autres dans la ville d'Ottawa, comme dans la région—« on respecte ces statuts dans la nouvelle ville », et le conseil doit après ça se pencher sur la question d'étendre ces services à toutes les municipalités, y inclus les municipalités qui n'étaient pas officiellement bilingues.

En d'autres mots, tous les services que les francophones avaient avant la fusionnement seraient protégés par la loi provinciale, quelque chose qu'on est très capables de faire. Si on crée cette municipalité, la province peut dire, « On va au moins assurer que les services pour les francophones qui sont en place avant le fusionnement seront protégés, et que la municipalité doit offrir ces services aux francophones et doit se pencher sur la question d'étendre les services pour les francophones aux autres communautés. » On ne perd rien.

Venir et dire qu'on va créer une municipalité officiellement bilingue à travers l'Assemblée législative—comme j'ai dit, j'appuie son projet de loi parce que je comprends ce qu'elle essaie de faire comme francophone. Elle essaie de trouver une manière de protéger les droits de sa communauté, mais je pense qu'on aurait pu le faire un peu différemment.

Je veux aussi dire, lorsque j'ai la chance dans ce débat, que ce gouvernement n'a pas été exactement, comme on dit hors d'ici, « franco-friendly ». Le gouvernement de Mike Harris, dès le début, depuis 1995, comme nous le savons tous, temps après temps a délesté ces responsabilités quand ça vient aux services pour les francophones de la province. On a vu à travers toutes les fermetures des services dans la province, à travers les ministères, beaucoup diminuer les bureaux qui étaient là pour ceux qui travaillent au ministère dans l'Office des Affaires francophones. Cela veut dire que l'on n'a pas la capacité dans les ministères de s'assurer que les services en français sont bien donnés. On sait que, à travers la Loi 8, on doit avoir certaines personnes dans chaque ministère pour être capable de s'assurer que les services sont donnés, et s'il y a plainte, qu'on peut aller quelque part. Le gouvernement a coupé ça à proche à rien, donc il n'y a quasiment personne dans les ministères pour s'assurer que les services sont donnés en français.



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Deuxièmement, on voit pour ces raisons, quand le gouvernement communique avec le public, même avec des organismes francophones à travers les ministères, par exemple le ministère de l'Éducation ou le ministère de la Santé, que les francophones reçoivent des lettres en anglais dans la majorité des situations. Des groupes comme par exemple les conseils scolaires francophones reçoivent de la part du ministère de l'Éducation un document en anglais quand ils savent que c'est un conseil francophone, qui enseigne le français dans leurs écoles. Ce n'est pas mal insultant, en tant que francophone, quand votre gouvernement provincial ne peut même pas reconnaître dans une lettre que vous êtes francophone et que vous travaillez à l'intérieur d'un organisme francophone.

On voit, deuxièmement, le délestage à travers lequel le gouvernement a commencé à ôter toutes les obligations inscrites dans la Loi 8 envers les services provinciaux, à les transférer aux municipalités. On voit par exemple que le gouvernement a transféré beaucoup de responsabilités, comme dans le bien-être social et dans les services de santé et beaucoup d'autres services, qui ont déjà été donné par la province, à travers les ministères, dans ces régions-là où les services ont été transférés, qui étaient protégés sous la Loi 8 et ne sont plus protégés. Il se trouve que ces municipalités n'ont pas besoin de donner les services en français parce que, une fois que l'on a ôté les services aux ministères et qu'on les a donnés aux municipalités, ces services tombent hors de la loi des services en français. C'est pour cette raison que j'ai proposé, dans le dernier parlement, ma propre Loi 8, qui a dit que tout service qui était protégé sous la Loi 8, une fois transféré aux municipalités, soit respecté sous la Loi 8, que la Loi 8 applique.

Dans le temps le ministre des Affaires francophones, M. Noble Villeneuve, m'a dit dans le débat, comme M. Harris et tous les autres à toute occasion : « Ne vous inquiétez pas, les francophones. Vous allez voir qu'une fois qu'on aura signé les transferts avec les ententes aux municipalités, on va s'assurer qu'il y ait inclus dans ces ententes une section qui dit que les services en français doivent être respectés. » Je voudrais vous dire, Monsieur le Président, qu'ils ont menti, parce que ce n'est pas la situation. On se trouve aujourd'hui avec une situation où les—

**The Acting Speaker:** You need to withdraw your one reference.

**M. Bisson :** Merci beaucoup, Monsieur le Président. Ça montre au moins que vous écoutez le débat et que vous avez compris que je dois retirer le mot menti ». Mais je veux dire, Monsieur le Président, que ce qu'on voit, c'est que le gouvernement qui nous a rassuré en 1996, n'a pas respecté les services en français en signant les ententes avec les municipalités. Ils ne l'ont pas fait. Les ententes dans beaucoup d'instances n'ont pas été négociées et les services n'ont pas été insérés dans les ententes elles-mêmes, et là où il y en a, les municipalités ne les respectent pas dans certaines situations et la

province ne fait rien. C'est exactement ce que nous avons dit et ce n'est pas arrivé.

Dans le temps le Parti libéral nous a appuyés dans mon projet de loi. La même affaire est arrivée que l'on avait prédit, que les services, une fois transférés aux municipalités, souvent ne sont plus donnés en français. Là, nous, les francophones, avons besoin de commencer la lutte encore une fois en allant rechercher les services qu'on avait mis entre 30 et 40 ans à mettre en place.

C'est pour cette raison que je suis prêt, même s'il y a des problèmes avec le projet de loi proposé par M<sup>me</sup> Boyer, à l'appuyer parce que je comprends ce qu'elle veut faire en tant que francophone. La question devient que, quand on est en train de combattre un gouvernement aussi gros que celui de M. Mike Harris, qui n'écoute jamais personne parce qu'il sait tout, parce qu'il pense qu'il est le Grand Manitou de l'Ontario, on prend les outils qu'on a comme députés pour combattre les attaques sur nos communautés. Dans cette situation, M<sup>me</sup> Boyer essaye de protéger les services en français pour la communauté de Vanier-Ottawa.

Je pense que cela pourrait se faire de façon différente. J'ai un peu peur que, si la province va commencer à déclarer que des municipalités soient officiellement bilingues, c'est un peu hors de notre responsabilité à l'Assemblée législative. Mais si on peut au moins voir le projet de loi aller directement au comité, on pourrait peut-être faire les changements nécessaires. C'est pour cette raison que je demande aux députés de l'Assemblée opposés, parce que je sais que c'est sur ce point-là qu'ils vont s'opposer, qu'ils permettent au moins le passage du projet de loi à la deuxième lecture, qu'on nous assure que le projet de loi ira en comité. Là on pourra au moins avoir le débat pour exprimer ses inquiétudes ; le parti du gouvernement aura une chance d'en parler, comme nous on a des inquiétudes de notre bord, pour trouver une manière de protéger les services pour les francophones de la région de Vanier et de la région de Sudbury et d'autres municipalités qui vont être fusionnées.

Pour cette raison je voudrais que le gouvernement appuie cette motion. Je sais qu'ils vont voter contre. J'ai parlé à M<sup>me</sup> Boyer hier et elle ne s'attend pas à ce que le gouvernement supporte son projet de loi. Mais je peux dire qu'il est important et que la moindre responsabilité que vous avez, comme gouvernement, est de permettre à ce débat de continuer pour nous assurer qu'on trouvera des manières de protéger les services pour les francophones. Si vous ne lui permettez pas de passer, je pense que là vous serez en train de vous prononcer contre les services en français comme vous l'avez fait les dernières six années. Je demande pour cette raison au gouvernement d'accepter ce projet de loi même s'il a besoin d'être modifié, de lui permettre de passer à la deuxième lecture pour retourner au comité, afin de trouver une manière de s'assurer d'une protection des francophones.

On n'aurait pas eu besoin de proposer cette loi si le gouvernement avait fait ce que nous avons suggéré ici au NPD, et je pense que même le Parti libéral avait suggéré la même affaire : des amendements au projet de loi qui a



créé la municipalité d'Ottawa. On aurait dû mettre là-dedans ce qu'on a suggéré, des amendements disant que n'importe quelle municipalité qui a des services en français en place avant le fusionnement, ces services vont être garantis sous la loi, et que c'est aux conseils municipaux après cela de faire l'expansion des services s'ils croient que les services répondent aux besoins des citoyens de leur communauté.

On n'a pas eu la chance, comme j'ai dit plus tôt, parce que le gouvernement a fait clôturer la loi. En ce faisant, tous les amendements que l'opposition avait à proposer auraient pu amener des solutions au projet de loi qui, dans mon opinion, était mal fait. On aurait au moins trouvé une solution pour les citoyens des municipalités qui se trouvent fusionnées à la suite de ce nouveau projet de loi.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** I am very pleased to have an opportunity to address the bill put forward by the member for Ottawa-Vanier and to deal with this issue yet again in this Legislature. I think it is important, not just of provincial significance but of national significance, that we have an opportunity to address this particular situation.

It is a very important matter, and having been born, grown up and lived my entire life in the nation's capital, I appreciate the significance and what it means to people of all linguistic backgrounds to have a capital that is truly bilingual. I can tell you that I have lived in a truly bilingual capital my entire 59 years. It's true that the capital in which I lived was not officially bilingual, and it is also true that there have been situations that have had to be improved from time to time, that will continue to exist and will continue to be improved upon as we develop the national capital area.

Ottawa has always provided bilingual services as a municipality. I was fortunate enough to be a member of one of the early regional councils, commencing in 1970, when we dealt with the question of bilingualism in the regional municipality, which had been set up a year or two earlier. To look back at a little history on that, I sat with the present member for Ottawa-Vanier's predecessor of happy memory, Mr Grandmaître, who was then the mayor of Eastview. He changed the name to Vanier, much to the chagrin of his late mother, I might add. If it was most upsetting to anyone, it was most upsetting to her. The mayor of Ottawa at that time was a man by the name of Pierre Benoît, whose mother tongue was French. Eugène Bellemare, who sits as the federal Liberal member for Gloucester-Carleton at the present time, was my seatmate at regional council and was on that committee, as was Reeve MacQuarrie of Gloucester and Reeve Haydon, later the mayor of Nepean and later the regional chairman.

1030

The policy that was hammered out on behalf of the people of Ottawa-Carleton at that time was a policy of bilingualism that far exceeded official bilingualism. It was flexible. It allowed for services to be provided where they were needed in excess of the English services in

areas such as Vanier and in the eastern part of the region. It did not cause unnecessary duplication where the services were not demanded and were not required.

It's very interesting to think back to why we embarked on that campaign and why we became engrossed in that debate, because a few years earlier, in 1969, the Prime Minister of Canada, Mr Trudeau, with the Premier of this province, Mr Robarts, and the Premier of the province of Quebec, Jean-Jacques Bertrand, had made a very significant change in the tripartite agreement executed by all three governments.

At that time, the capital of Canada was deemed to have been expanded to cross the river and include portions of the province of Quebec: Hull, Gatineau and Aylmer. A commitment to bilingualism had been entered into by the three leaders on behalf of the people they represented. As a result of that, the Trudeau government commenced a building campaign on the Hull side which saw 35,000 civil servants transferred from downtown Ottawa; buildings, jobs and the centre of the city of Ottawa transferred to the province of Quebec. This was the new capital. This was the commitment to bilingualism.

Well, let me explain to you the situation in Hull, Quebec today. You cannot get service at Hull city hall in the English language. Have you heard about the language police from Quebec City in places like Shawville recently? Have you read the headlines, the court cases, as minority rights are trampled?

I come to this Legislature today and I hear comments about insults to francophones. Where is your commitment to minority rights in the province of Quebec? Are you aware of the legislation that Quebec City has imposed? Do you not understand that the national capital, by that tripartite agreement, included portions of the province of Quebec? Is this the capital city that you wish to impose this form of bilingualism upon? Where is the commitment? Where is the understanding?

The people who rose up and commented as the bill was passed for the amalgamation of the municipalities—and I think back to federal minister Dion's comments, federal minister Copps's comments, the Prime Minister's comments at that time, which were reflected by the member for Timmins-James Bay this morning. Once again, when the language police marched through to Shawville in recent months, there was not a word from those people—not one word.

We have a national capital area. We had the transfer of those jobs. We have a commitment from the people of Ottawa-Carleton, a commitment they have lived up to and that the governments of the city of Ottawa and the other constituent municipalities of the regional municipality of Ottawa-Carleton have lived up to and will continue to live up to, and will be dictated by the new council which comes into power on the first day of January of next year and will make that decision, as is only appropriate in a democratic situation.

Please, no more rhetoric with regard to insults to francophones, not when we're experiencing what we're



experiencing in the other half of the national capital, on the north side of the Ottawa River.

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell) :** C'est un plaisir pour moi. Je dois féliciter ma collègue la députée d'Ottawa-Vanier pour le dépôt du projet de loi 79, loi modifiant la loi de 1999 sur les services bilingues de notre nouvelle ville, la ville d'Ottawa.

L'Assemblée dans son entier doit appuyer ce projet de loi sans hésitation, cette loi qui assurera les services dans les deux langues, assurera la continuité du développement économique non seulement dans la région de la capitale nationale mais aussi dans notre province, qui bénéficie de 54 % de notre produit brut à l'exportation.

Dans la région d'Ottawa-Carleton actuellement, nous comptons plus de 120 000 de citoyens francophones ; dans la province, plus de 500 000 francophones, sans compter les francophiles ; dans le pays en son entier, plus de neuf millions de francophones. La population mondiale compte plus de 500 millions de francophones sur ce globe. Lors du dernier sondage qui a été mis en place par le Ottawa Citizen, nous avons trouvé que 82 % de la population qui a répondu au sondage était en faveur du bilinguisme à Ottawa.

Nous savons aussi que, sur notre globe terrestre, nous comptons plus de 54 pays qui fonctionnent ou qui font affaires en français. Tous les ambassadeurs de ces 54 pays doivent parler le français, surtout lorsqu'on vient au Canada et surtout lorsqu'on va dans les pays de l'Europe et de l'Afrique.

Pourquoi devons-nous présenter ce projet de loi ? C'est qu'actuellement, il y a toujours un grand danger avec notre gouvernement qui est en place. Nous savons que le rapport du commissaire Glen Shortliffe avait bel et bien recommandé, dans sa recommandation 4, que la ville soit reconnue bilingue, mais le premier ministre de cette province, M. Harris, a décidé autrement. Cela a fait couler beaucoup d'encre, mais n'eût été cette position, nous ne serions pas dans la position aujourd'hui de débattre un projet de loi que les gens de ce pays regardent dans son entier, ceux qui ont accès au poste de télévision sur lequel nous transmettons les débats de cette assemblée. Je suis sûr que beaucoup de ces personnes surveillent le débat. Mais encore là, j'ai reçu une lettre tout récemment, qui est datée du 17 mai. Je veux lire le deuxième paragraphe :

« À sa réunion du lundi 8 mai, le Conseil de transition a adopté une politique linguistique qui lui permettra de s'acquitter de ses responsabilités tout au long de son mandat et qui servira de recommandation », je dis bien de recommandation, « au Conseil municipal de la nouvelle ville d'Ottawa.

« Le Conseil a choisi d'adopter la politique de la région d'Ottawa-Carleton qui est en application depuis plusieurs années. Cette politique assure que les résidents et résidentes peu importe où ils habitent reçoivent des services en anglais et en français sur tout le territoire de la nouvelle ville d'Ottawa. »

Pourquoi devons-nous commencer à débattre encore une fois le sujet linguistique pour surtout la région de la capitale nationale ? Lorsque je regarde ce gouvernement, lorsqu'il a transféré une quantité de services aux municipalités dans le délestage, nous n'avons voulu en aucun temps mettre en place des lois ou des sections dans les projets de loi qui assureraient la continuité des services bilingues dans les 23 régions désignées bilingues sous la Loi 8, la loi de Bernard Grandmaître, qui on appelle le père de la Loi 8. C'était certainement lui qui a mis cette loi sur pied pour la protection de nos francophones.

Je regarde la Loi 108, qui était le transfert des responsabilités des contraventions aux municipalités. En aucun temps le ministre du temps a-t-il voulu admettre dans cette Chambre que les services en français seraient garantis. On le mentionnait à la Chambre, mais en aucun temps n'avons-nous voulu l'inclure dans le projet de loi.

Je me rappelle, après cette décision du ministre du temps des Affaires francophones, que nous avons fait plusieurs appels. Un rapport est sorti comme quoi plusieurs—je dis bien plusieurs—des municipalités à l'intérieur des 23 régions désignées bilingues ne continueraient pas à donner les services dans les deux langues, dû au manque de financement. Nous, les Libéraux, durant notre campagne dans la dernière élection du mois de juin de 1999, avons garanti que nous redonnerions 50 \$ mille à chacune des municipalités afin de nous assurer qu'on pouvait continuer de donner des services dans les deux langues.

#### 1040

Je regarde ici un discours livré par M. Boutros Boutros-Ghali, qui est le secrétaire-général de l'Organisation internationale de la francophonie, le 3 mai dernier. On disait que la francophonie, c'est aujourd'hui 55 États et gouvernements qui ont rejoint en toute indépendance et en toute liberté notre communauté—plus loin on disait aussi qu'entre 1990 et 1998, le nombre de francophones réels a augmenté de 7,7 % et le nombre de francophones occasionnels de 11,8 % une province où nous avons la capitale nationale, et ce gouvernement ne lui a pas voulu reconnaître l'importance du bilinguisme. Je crois qu'il est aujourd'hui impensable que le gouvernement va voter contre cette loi.

J'ai remarqué que le député d'Ottawa-Ouest-Nepean a mentionné que depuis plusieurs années il faisait partie du gouvernement municipal d'Ottawa-Carleton, mais j'ai une chose qui m'a frappé hier soir dans son discours, lorsqu'on débattait le projet de loi surnommé Brian Smith. Il a bel et bien dit que la discrimination n'existe pas chez les francophones, puisque dans son temps, quand il jouait à la balle pour Le Hull volant, l'équipe de balle était formée surtout par des francophones, dont deux anglophones, lui-même et M. Brian Smith. Et qui avait été nommé capitaine d'une équipe composée à 90 % de francophones ? C'était un anglophone unilingue. Donc, nous avons beaucoup de respect pour les francophones qui ont reconnu l'importance de travailler ensemble et de participer dans des activités sportives dans

les deux langues, le français et l'anglais. Il n'y existait pas de discrimination.

Aujourd'hui, si nous n'acceptons pas cette recommandation ou ce projet de loi-là, je commence à être un peu épeuré de cette position-là. J'ai fait parvenir une lettre à M. Claude Bennett, qui est le président du comité de transition, le 16 février dernier, lui demandant de reconsidérer la position du gouvernement lors du comité de transition. Il m'a répondu le 1<sup>er</sup> mars que le tout serait laissé au comité de transition, et puis dans la lettre du 17 mai que j'ai mentionnée tout à l'heure on veut bel et bien reconnaître l'importance d'une ville bilingue. Je crois qu'aujourd'hui nous avons la chance de prendre position, ici-même à l'Assemblée législative de l'Ontario, et reconnaître l'importance de ces services.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I am very pleased to join in the debate with respect to the request of the member for Ottawa-Vanier to amend the City of Ottawa Act through Bill 79. The request and the purpose of the bill—as I understand it from a letter from my colleague of June 5, 2000—is to ensure that municipal services in the city of Ottawa are provided in both English and French after January 1, 2001.

Perhaps the debate can be crystallized as two issues: First, what do the people of Ottawa want and how is that to be ascertained? Second, what is the best method to accomplish that objective, which is, in principle, the delivery of local services, and should that be done through a municipality in terms of the implementation?

In dealing with this issue we must be cognizant of the fact that the province has not designated any municipality in Ontario as bilingual. Instead, municipalities are given the authority to use the provisions of the Municipal Act or the French Language Services Act, where applicable, to provide French language services in the municipality. French language services authorized by municipal by-laws in the area covered by the new city of Ottawa which exist on December 31, 2000, will continue to be provided by the new city unit until its repeal or amendment of the bylaws. The council of the new city will consider the recommendations of the transition board in developing its own bylaw and policy on this issue.

Just to give some background on this issue, the province has always maintained that municipalities have authority to pass bylaws to provide municipal services to the public in French. The Ottawa transition board established a working group to recommend a language services policy to the board by May 8, 2000. This working group undertook a public input process and review of reports, studies and other publications on the issue. The board has recommended that the council of the new city of Ottawa adopt a language services policy that recognizes the bilingual character of Ottawa, as the nation's capital, and of its residents. To accomplish this, the board is recommending that the new city council continue the current language services policy of the regional municipality of Ottawa-Carleton, which delivers more than 80% of municipal services under the current two-tier municipal structure. This policy recognizes English and French

as the two languages of service delivery. It will be up to the council of the new city, when it takes office in January 2001, as to whether it adopts the transition board's recommendations.

I would like to refer to the Ottawa Citizen of May 10, 2000. In the article it says: "... Ottawa area francophone politicians yesterday lined up behind the proposed bilingual policy of the new city of Ottawa.

"The region's francophone mayors as well as the Liberal House leader Don Boudria"—that's from the federal government—"one of the fiercest backers of a bilingual Ottawa, all praised the policy recommended Monday by the transition board. They say it recognizes the bilingual character of the new city and should be supported.

"Under the policy, English and French would be recognized as the official languages of the new city. Bilingual services would be provided, but in some cases it would be provided if the numbers warrant it. The policy also says that bilingualism should not be a barrier to hiring the city's senior bureaucrats. Unilingual officials, however, would be given the chance to learn French. But 'front-line' officials, those who deal daily with residents, would be bilingual."

That's certainly an endorsement of the local politicians in Ottawa, and the well-respected federal member, Don Boudria, with respect to how to best deliver services—municipal services, I may add.

The transition board's process, I understand, resulted in 5,090 submissions, 81% of which expressed support for bilingual services in the new city. Under the current municipal structure, services are provided in both languages by the region and the cities of Cumberland, Gloucester, Ottawa and Vanier. In the other seven local municipalities, services are provided in English only.

Under the French Language Services Act, 1986, the new city of Ottawa will have the power to require the city administration to provide services in English and French. We're talking about the delivery of local services and we're talking about how it should be delivered in English and French.

The French Language Services Act and the Municipal Act give municipalities the authority to provide a full range of service and to conduct their day-to-day business in both languages; for example, passing bylaws and resolutions, adopting official plans, conducting council meetings, keeping minutes of council and committee meetings.

The fundamental issue with respect to what's the best way of delivering this service, which is in issue here, seems to have support locally with respect to the transition board's recommendations about how this is to be delivered. When one cites the principle of how to deliver local services, the principle is simple: That should be done by the municipality.

#### 1050

But there's also another issue here in terms of whether there's been sufficient input from the citizens of the new city with respect to whether they want this. This week there was passage of a law which will allow municipal-



ities to hold binding referendums on municipal issues. Speaking of Bill 62, direct democracy through local referendums: "One advantage of the new law is that it establishes that a referendum must be solely within a municipality's jurisdiction—meaning no more time-wasters such as whether to declare a city nuke- or gun-free. These referendums will also be binding—meaning politicians will have to get serious about what they ask for because they might just get it." That's out of a Toronto Sun editorial dealing with referendums.

The law is very clear in terms of direct democracy about how we deal with this issue, whether there's public support for it, and if there is, how you implement it. It would seem that the new city of Ottawa has already dealt with this through a transition board, set out recommendations and seems to have local political support. From a fundamental principle of how we deal with and deliver local services, that's a municipal responsibility.

Quite frankly, it would appear that the municipality has the situation well in hand. I would not support what the member is proposing based on what the local politicians seem to want.

**M. Richard Patten (Ottawa-Centre) :** C'est avec plaisir que je me joins à ce débat sur le projet de loi présenté par ma collègue d'Ottawa-Vanier. Nous, dans la région d'Ottawa—à l'origine c'est l'Outaouais—sommes fiers de cet esprit communautaire, et c'est pourquoi je suis heureux d'appuyer le projet de loi de ma collègue aujourd'hui.

As some of you may know, I was part of the government that originally brought in Bill 8, which rightfully sought to introduce provincial bilingual services where necessary in Ontario. It was introduced by M<sup>me</sup> Boyer's predecessor in Ottawa-Vanier, Ben Grandmaître, over 10 years ago. I had the honour of serving in cabinet with Ben at that particular time, and I know many of you in this House will recall him fondly. If he were here, I know he would be in support of this bill that is before us today.

It is the spirit of those principles, however, that we fought for back in those years, and I think they are still relevant today. The fact of bilingualism in Ottawa is irrefutable. The Ottawa area is a bilingual area. That is why the regional municipality of Ottawa-Carleton, as it is currently constructed and constituted, is right now officially bilingual. Many of the members from Toronto or southwestern Ontario may not be aware of the bilingual nature of the Ottawa area. I want to assure them that this is a fundamental characteristic of our area.

Ottawa has another aspect that of course has already been mentioned in this debate: It's the capital city of our country, an officially bilingual nation, and of course this will not change. Ottawa may be the national capital, but it is also the second-largest city in Ontario, one of the fastest growing in the country and the fourth largest in Canada. Economically, it has emerged as the powerhouse in the high-tech sector in Canada, and its growth dynamics will be incredible over the next decade.

The current government may think this means that the Ottawa area can take care of itself. In fact, that is why they have not moved, they say, on this particular topic, but it does have the opportunity and has the legislative authority to legislate if it chooses to do so. Now, the government did not do this. The government had the opportunity to take care of this issue last fall. At that time, they appointed a very astute individual, Mr Glen Shortliffe, the former Clerk of the Privy Council, who delivered a report on municipal restructuring in the Ottawa-Carleton area. When he delivered his report last November, he made a number of simple, straightforward recommendations, most of which were accepted by the government. On the topic of languages, he recommended that "the city of Ottawa will be legislatively designated a bilingual city, with services to be provided in both official languages where warranted."

This is the size of his report. All the government had to do at that time was accept the recommendation made by the expert they had appointed to make this report. By not simply accepting that clear and well-informed recommendation, the government has now opened up a whole ugly can of worms that usually follows a language debate. It would have simply recognized the reality of the region as it is now. Instead, what we're going to have is that people in the region will be unnecessarily divided against each other. People fighting for English-language services from other parts of the province will be caravanning into Ottawa to make their views known. The APEC group, the ones that burned the Quebec flag, if you remember, will be part of this whole debate. People will lose jobs and one thing and another. We could have avoided all of that. So in the next election we will have a great deal of acrimony. This could have been avoided. I've experienced these things, both in Quebec and in Ontario, many times; they're not pretty sights. But this time the argument could have been avoided.

So I'm saying that the government still has an opportunity. Yes, the transition team has made recommendations. Frankly, those recommendations were the basis of the existing policy that is there now. They didn't want to take the particular decision because they were appealing to two of their own ministers in the area to try and provide some support for them. I say that isn't thinking about the whole representation. They're happy to take the tax money from our particular area. They're certainly not shy in imposing and being strong in terms of legislation that has impact on municipalities; I don't have to go into that. So this government is not shy about using its powers. But on this particular one, it could have graciously supported a report that was the basis of a study, that was the basis of what the people had communicated to that particular group, so I say they still have a chance to act. It is important to the nation, to the province and to Ottawa that the city is bilingual. This government can show some leadership and provide that designation. Why is it that the great high-tech firm from France chose to locate in the Ottawa area, if not as an entrée to doing business in Canada and North America?

J'espère sincèrement que ce projet de loi de député aidera le gouvernement à faire preuve du leadership qu'attend la population de l'Ontario qu'il représente. Il n'est pas question ici de chercher quelqu'un à blâmer. Il est plutôt question de faire preuve de leadership dans des questions difficiles. Moi et mes collègues et notre parti sommes aussi plus que prêts à faire preuve de ce leadership.

**The Acting Speaker:** Response?

**M<sup>me</sup> Boyer :** Je tiens tout d'abord à remercier mes collègues de Timmins-Baie James, de Glengary-Prescott-Russell et d'Ottawa-Centre pour leur appui, et qu'ils reconnaissent l'importance de mon amendement, qui est d'aller d'après la recommandation de M. Shortliffe et de finalement désigner la capitale du Canada, la ville d'Ottawa, officiellement bilingue.

Laissez-moi vous rappeler que M. Shortliffe, dans ses recommandations, a bien dit, et je répète, "One of the most important issues raised during the public consultation process was the question of bilingualism," ce conseiller que vous, le gouvernement, avez nommé pour s'occuper de la nouvelle ville d'Ottawa. C'est vous autres qui l'avez nommé. M. Shortliffe dit dans sa recommandation 4 : "I recommend that the enabling legislation establish and designate the city of Ottawa as officially bilingual in French and English."

J'aimerais dire à mon collègue d'Ottawa West, yes, there's much improvement in the bilingual status of Ottawa. You're talking about Shawville. Shawville is in Quebec; we're in Ontario. Let that be said.

To the member for Barrie-Simcoe-Bradford I must say that after the recommendations of the transition committee people said, "It's a start, but it's a minimum."

Il faut absolument aujourd'hui que vous acceptiez, s'il vous plaît, de passer cet amendement en deuxième lecture, comme mon collègue de Timmins-Baie James a dit, de le passer en deuxième lecture pour au moins nous donner la chance d'avoir le débat sur cette question.

Please give us a chance to have a debate on this question.

**The Acting Speaker:** The time for this ballot item has now expired.

1100

## WELFARE REFORM

**Mrs Brenda Elliott (Guelph-Wellington):** I move the following resolution: That the Legislative Assembly of Ontario:

(a) Encourages the municipalities of Ontario to undertake more workfare programs in a manner consistent with the Common Sense Revolution's plan for breaking the cycle of welfare dependency and restoring able-bodied people to work;

(b) Endorses the idea that there should be zero-tolerance for welfare fraud and abuse;

(c) Supports a program of mandatory treatment for welfare recipients who use drugs; and

(d) Endorses the Blueprint commitment to take further steps to reform welfare and encourage welfare recipients to find work.

I'm very pleased to rise this morning and debate this topic. June 8 is a very important day for many of us on this side of the House. This is the anniversary, five years to the day, of when we were elected to turn around Ontario. An awful lot has changed in this province over these past five years.

In 1995—it's hard to remember back—we were in a very bleak time here in Ontario. Ten thousand jobs had been lost over the previous four years; we were in an annual deficit position, shockingly, of \$11.3 billion; and our debt had doubled in the five years between 1990 and 1995.

One of the most shocking statistics that sunk home to me and a number of people in my riding was that we had 1.3 million people on welfare. It was costing Ontario taxpayers about \$6.8 billion a year. Ontario had the highest number of people per capita on welfare in Canada; approximately one in 12 people was on welfare. In a province we think of as being prosperous and healthy, that was a shocking thing.

Clearly, on this side of the House we've worked very hard to do everything we can to help lead Ontario back to prosperity. Taxes had been increased 66 times under the former government. We have reduced taxes well over that, having already implemented 99 tax cuts, with many more to come. We believe we are going to exceed our target of creating 725,000 jobs. Just recently, the ministry has announced not only a balanced budget for this year, but for last year as well. The Minister of Community and Social Services this morning is announcing that we have succeeded in taking 500,000 people off the welfare rolls; that's half a million people who will no longer be dependent on welfare rolls.

We have worked very hard to keep our promises. We have worked very hard to restore this province to prosperity. In the case of welfare, we have worked very hard to allow people the opportunity to get out of the welfare trap, to get back on the road to self-sufficiency and prosperity, and to return welfare to what it was originally intended to be—a stepping stone, an opportunity for assistance as a last resort—and most importantly, to develop welfare into what it was supposed to be, an opportunity to get back into the workforce, to develop skills and a sense of self-worth. That only comes when you're back in contact with the working world.

One of the things we did, most importantly, in the whole welfare file, and I would like to speak to that for a moment, was to remove people who were on disability from the welfare situation. People on disability should never have been on welfare in the first place and I was very pleased that we acted quickly to do that.

We have designed a much more generous program for those on disability, specially designed to meet their needs. I would like to mention specifically some of the things we have done: removed the label of "permanently unemployable"; reinstated benefits if a job attempt fails;



no longer require people on disability to go through eligibility testing every one or two years, except where their condition is expected to improve; allowed them to keep more of their assets and benefits from families, inheritances and gifts and so on; provided individualized employment planning which assists them with technological aids and devices so that they can secure and maintain employment. The benefit level is about 47% more than if they were on welfare.

This, I think, was absolutely the right thing to do. I have had many constituents in my riding who, although they have some comments about how to still improve the system, have for the most part been very pleased and quite surprised because they weren't originally supporters of our government. They have been quite pleased that we undertook this program and have had strong praise for the changes we've made on this file.

At the very beginning of our term in office, we changed the welfare benefits. In 1995 we had the richest welfare benefits of any province in Canada—actually 35% higher. We reduced those rates so that they were much more commensurate with working wage levels, but our welfare benefit levels are still quite high: about 25% higher than the provincial average for single, employable people; 13% higher for single parents; and 9.6% higher for couples with children. Ontario welfare benefits right now are still the most generous earning provisions in the country. So while we have made tremendous changes and given over half a million people opportunities to be back at jobs and in the workforce, we have made the whole system much more accountable.

We've undertaken four different tactics to improve the welfare system. One of the most interesting is encouraging municipalities to be partners with us in developing the workfare program. Earlier this week, the minister announced that we're actually ahead of our target in welfare placements, that 30,000 placements have been successfully undertaken with our municipalities. We're ahead of our target now and we are very pleased that our municipalities are becoming very strong partners with us. We certainly see that there's room for improvement. I have to say that's true for my own jurisdiction in Guelph-Wellington.

What we have done to assist our municipalities tangibly is provide \$1,000 for every placement above its target. This year the province will be providing \$7 million to various municipalities that have surpassed their targets. That money, in each jurisdiction, must be spent on helping those on welfare by either providing assistance to vulnerable children, supporting homelessness or through child care.

There is much more to be done on this file. We have said that under the welfare reform program, if you are going to be entertaining benefits on welfare as a temporary assistance program, you must be part of a workfare program and you must be part of a learnfare program. It's been quite a challenge to get these up and running in the face of so many reforms, but we're very pleased to see

that this is happening and is on target; in fact, very slightly ahead of target.

What has been very distressing about welfare is to find situations where people have been abusing the system. There are a number of examples of people receiving welfare who have, for instance, been paying on credit cards greater amounts monthly than they have received on their welfare benefit cheques. Obviously that was a serious case of fraud.

Our view is that welfare is a very sincere program that needs to be given to those in need and so can be given only to those in need. Our welfare fraud hotline has been quite successful. The saving from determining people and taking away the benefits of those who have been ineligible and have been illegally receiving welfare has actually reached the astonishing number of \$60 million, which of course is much better spent on those who truly need our assistance in either welfare or other programs. Extended out, the additional costs would have been \$38 million, so that's almost \$100 million that has been saved in finding people who should never have been on welfare in the first place and were robbing those who truly needed the assistance of the program.

The other thing we promised in the Blueprint, and which is being established, was to allow case workers to indicate to certain recipients of welfare, if it's believed that they are on drugs, that a drug test will be required. It's absolutely impossible to hold down a job and be a productive member of society if you are on drugs, so that is part of our drug reform program, which we believe will strengthen the welfare program right across Ontario. Institutions like Homewood, in my riding of Guelph-Wellington, are very eager to provide their expertise in this sort of thing, to assist us in making sure that we are doing this properly.

I'm reaching the end of my time. I want to encourage colleagues in the debate this morning to consider the changes we have made in the welfare program, to consider how far we have come over the past four years on this file. The number of one in 12, 1.3 million people on welfare, is shocking for any jurisdiction, particularly for a province like this which has such potential. It is most disheartening for those individuals who have lost out on opportunities, and that's why we have been so intent on improving this program.

There is a saying in my riding, "By work and by worth we rise." I have always taken that to heart, and I feel that a job, any job, is an opportunity for advancement and an opportunity to learn new things and meet new people. Certainly with the 725,000 jobs we have created across the province, we are trying very hard to give everybody an opportunity.

What I'm hoping with this resolution today is we will have very vigorous debate. I'm very anxious to hear what my colleagues across the House will say, because in campaigns to date they have not been supportive of welfare reform. We think it's a very important part of making Ontario prosperous for each and every individual.

1110

**Mr Joseph Cordiano (York South-Weston):** I'm very happy to speak about this area of concern and about the great opportunity this government has missed obviously in its mandate—and it's celebrating its fifth anniversary today. Perhaps this is the greatest symbol of this government's failure in its mandate. What's really disturbing to me is that this government has engaged in the great blame game, in the great scapegoating. It has done that extremely successfully. When it comes to welfare recipients, they have been the most victimized and the most scapegoated group of the bunch during this government's mandate.

You had a great opportunity to reform the welfare system and to move it forward. In fact, the opposite has taken hold. You have moved it backwards in time. You have moved it to an era we haven't seen in this province since the 1930s, before the Great Depression, where people are scavenging, where people are homeless, where people are destitute, where people are desperate and have been left behind as a direct result of this government's policies. The first thing this government did to welfare recipients was cut assistance by 22% right off the bat. That had a devastating impact on people in this province at a time, we must recall, when the province was still mired in a difficult economic situation. We are coming out of that economic downturn just now, in the last number of years. Yes, there have been many more jobs created. And yes, there has been an economic boom, attributable to the great exports to the United States, the greatest boom we have seen in the history of this province, so it's no accident that a great number of new jobs were created. It is a tragedy that this government has not used this era wisely and has not used this time, this great opportunity, to reform the welfare system as we know it and to modernize it.

I want to examine the points that have been brought forward for consideration in this member's resolution this morning, because they tell a tale about this government and how it has engaged, time and again, in the blame game. If something goes wrong in Ontario, it's the federal government's fault, because they haven't transferred enough funds for health care. It's the federal government's fault, because they haven't transferred enough funds for anything. As far as this government is concerned, they never take responsibility for any of their actions. That's the first rule of this government in the way that it governs: never take responsibility, never take it to a level of accountability where this government is held to account for its actions or lack of action. We now see that tragically with Walkerton. It's taken to its most bizarre and most tragic end.

In fact, it's the erosion of one regulatory framework after another. It's the erosion of confidence in the system. This government does not believe in truly making changes that are positive. This government has made changes to get rid of the problem, as in the case of welfare. Workfare is nothing short of a fraud in this province, and I'm going to elaborate on why.

This government promised to put people back to work. It promised to take people forward and give them career options that they didn't have before. It promised to put them back in the workplace. In fact, the workfare program was an abysmal failure up until this past year. It's still a failure and a sham, and the only reason that the minister is able to talk about placements in the workfare program is because he threatened municipalities. He threatened them with cutbacks in administrative dollars for their social assistance programs. If the municipalities failed to create these placements, then the minister was going to reduce the funding available to administer their social programs—a clear threat to those municipalities to create placements. What are these placements? These placements are nothing but temporary, meaningless, menial jobs.

I don't want to belittle the volunteer work that's been done by people in community after community; certainly we value that. But most of these placements are in that area, in municipal agencies or the kind of work that was done by volunteers and the kind of work that was done by municipal workers providing services. These welfare recipients, these people now on workfare are being put in those placements. These jobs are temporary. They do not lead to additional skills or skills enhancement. In fact, they're not providing any additional education for these people. They're temporary, they're stop-gap. What happens when the economy goes into a downturn? Many of these jobs, which are not in the private sector, will continually have to be propped up by the government. The \$1,000 per job placement will have to be there ad infinitum, and municipalities will not have the ability to sustain these placements over a long period of time.

This is the critical question: Will these jobs lead to permanent employment in the private sector? The skill sets that are required today are well beyond what is being offered in these job placements. We need better training and education.

The experience in Michigan has been that workfare has failed because of a lack of child care spaces. When the state of Michigan realized that it needed to spend a great deal more money on child care, then they were able to find that single parents could re-enter the workforce. The state of Michigan spends twice as much on child care as it does on social assistance payments to make certain that people are given the opportunity to go back into the workplace.

I want to address the other parts of the resolution very quickly.

**Zero tolerance for welfare fraud and abuse:** This government has, time and again, gone after people for defrauding the system. It has raised the spectre of this huge amount of welfare fraud. Nothing could be further from the truth. It is a myth. Seven hundred and forty-seven cases of convicted fraud in 1999, less than 1% of all cases, is not a huge crisis. That is not the stuff that governments should be focused on. There is a problem, but it's not the huge problem that this government makes out is prevalent throughout our society—again, scapegoating



those people who are on social assistance: "We're going to test you for drug abuse."

In fact, the rate of incidence of drug abuse among welfare recipients is no greater and no less than among the general population. So stop scapegoating others, stop blaming others. Stop that insidious kind of governance. It leads to the end result of being a government that does not want to take responsibility, that does not act in the best interests of the citizens of this province, does not protect the public interests of the citizens of this province. When it comes to welfare, this government is an abysmal failure.

1120

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** The resolution that's in front of the House today from the member from Guelph encourages municipalities to undertake more workfare programs, also zero tolerance for welfare fraud and abuse, a program of mandatory treatment for welfare recipients who use drugs and to take further steps to reform welfare and encourage welfare recipients to work.

From a general perspective, I want to talk to this. Welfare should be temporary help when you need it and not a way of life. In 1995, there were three times as many people on welfare as there were in 1985. The average time welfare recipients collected general welfare assistance nearly doubled under the NDP government.

We've moved people with disabilities off welfare and into special programs that recognize their unique needs. The ODSP provides people with disabilities with 47% more benefits than their welfare counterparts and by far exceeds any program provided by provincial governments across Canada. The fundamental point is, people with disabilities are off welfare.

In 1999, some 106,458 stopped relying on welfare. Since 1995, we have helped nearly 500,000 people get off the welfare treadmill and get their lives back on track. We want to make sure that nobody in Ontario is left behind without the hope of a job and a better future, because quite frankly, the best program you can have with respect to social services is a well-paying job and a good economy to make sure that those social service programs, health and education are there for our citizens.

When we took office in 1995, Ontario had the richest welfare benefit of any province in Canada—35% higher than the provincial average. Ontario welfare income is 25% higher than the provincial average for single employable people; 13% higher for a single parent and 9.6% higher for couples with children. Marginal employment earnings were clawed back, punishing those who had the initiative to get back into the workforce and rewarding those who didn't try.

Today's Ontario welfare benefits include the most generous earning provisions in the country. Recipients can now take part in work that they might have refused under the NDP because they would have lost their benefits.

With respect to fraud and abuse, I know the member from Lawrence trivializes it and casts aspersions without

foundation. We established the welfare fraud hotline for the general public to report suspected fraud. It also resulted in termination of or reduction of benefits in thousands of cases where fraud was occurring. Between April 1, 1998, and March 31, 1999, assistance was reduced or terminated in 16,900 cases based on eligibility investigations. That was the equivalent of \$60 million in social assistance that people were entitled to.

*Interjections.*

**Mr Cordiano:** Less than 1%. Don't distort the facts.

**Mr Tascona:** The members across the floor are ranting away. "That's nothing"; that's really what they're saying. That's a lot of money.

We've entered into information-sharing arrangements to help us identify people who might be abusing the system. We've introduced a zero tolerance policy for welfare fraud. People convicted in court of social assistance fraud will be permanently ineligible for future social assistance. We've terminated welfare for prisoners when they are in jail, and we've ensured that those who are no longer eligible for welfare do not receive free drug cards.

The Liberal record with respect to workfare is fairly clear. Neither workfare nor welfare is mentioned in the Liberal Party Web site. Secondly, Dalton McGuinty and the Liberals have opposed welfare reform every step of the way and they've voted against every single bill to implement it. The opposition leader, Mr McGuinty, has proposed a mandatory opportunity program for people on social assistance.

The NDP record speaks for itself. They liked the way welfare was before, when over a million people were trapped in the cycle of dependency.

The member from Guelph has stated very clearly what approach should be taken. I think she has put a lot of thought into this. Quite frankly, the initiatives that are being asked for are being done, and they make a lot of sense. I think the track record will speak for itself and history will speak for itself in terms of how to best approach welfare. That's how it's being done in the United States. That's the approach that has been mandated by a democratic government in the United States, so I don't know what the complaints are on the other side.

In conclusion, I support the resolution and I know that other members of the caucus will too.

**Mr George Smitherman (Toronto Centre-Rosedale):** I would like to say that it's a pleasure to join in this debate today, but I must say, one more time we are subjected to the Tory scapegoating of vulnerable people in the province of Ontario. I will be voting no to this resolution today, with great vigour and pride. I'm proud that I'm representing the interests of my constituents, many of whom are the most vulnerable people in our society.

The real story that needs to be told, that must go forth from here today is that the Tories, such an abject failure at the role of governing in Ontario, have turned back to something that they spent so much time on in their earliest days. Were we not here, we could be down at

SkyDome with the Premier today witnessing him embroiling himself once again in an issue that they spent so much time on early in their mandate, in the first term, because they have nothing working for them right now. The province of Ontario is not being governed. They are not a government that is in control of their actions. Everything that they touch has fallen apart, so they go back to something that gave them great joy around red meat issues in their first term. I think that's the real message that needs to be sent out and people need to be reminded of that.

This is the triumph of rhetoric over reality. Yesterday the member for Guelph-Wellington, in talking to American guests, said that the issues that are debated typically during private member's hour are issues that matter a lot to her constituents. I would say that I am joining this debate because I have many constituents who are on welfare and I work for those people every single day.

To hear the member from Barrie talk about how the Ontario welfare benefit is the most generous one—without putting into context the fact that the cost of living in the province of Ontario, and particularly in the city of Toronto, is so high—so as to suggest to people who are watching that those who are collecting welfare benefits are living in the lap of luxury, is an injustice. The benefits for an individual are something like \$562 a month. Imagine, in the city of Toronto, trying to live, to sustain yourself, on that kind of monthly income.

No one is here to suggest that we should have people stuck in a cycle of dependency, but this government has done nothing to try and help those people. There's nothing in their intent except punishment, and that is the real shame. They talk the talk but they do not walk the walk.

I am proud to say that I work in the riding of Toronto Centre-Rosedale for citizens. This government across the way—and their most recent budget reflects this better than anything else—works for taxpayers, and they make a distinction. There are classes of people in Ontario now because of that government. We are not all citizens and all equal. They put taxpayers on a higher plane, and that speaks to a very real problem with this government.

Let us look back to the day when they cut welfare benefits by 21.6%. On the very same day, they also cut funding to the agencies that help people who are living on social assistance to get jobs, to improve their resumés and to get job skills. They talk about the need for people to get jobs and sustain themselves that way, but what have they done to improve or provide access to daycare for individuals who are on welfare and have children? They have done nothing, and that is the real story behind the Tory work on welfare. It's all show and no go. It does nothing in a positive way to really help people with the cycle of dependency.

1130

Let's talk about drugs and addiction. I deal every day with many people who are struggling along that way. My community office is in a building that also has a methadone clinic, and you can only imagine the challenges that

people who are addicted to drugs like crack cocaine and heroin suffer from. But what has this government done around that? If they really wanted to deal with crime and safety in my community, they'd put more police on the streets, to try to help that way, and they would invest meaningful dollars in programs to help people who are addicted to drugs. But they do not. They talk about it and they do nothing.

I should say that those of us who are dealing with real problems and seeking to address them in a real way, rather than a rhetorical way, are increasingly frustrated by this government, which talks the talk but will not walk the walk. If you want to do something about it, put money into treatment programs and provide daycare.

**Mr John O'Toole (Durham):** It's my distinct pleasure and privilege to rise today and support the member for Guelph-Wellington in her resolution, which deals with welfare reform in the general sense and endorses a strengthening in the commitments made in the Blueprint, which I will be covering in my limited time that I'll be splitting with the member for London-Fanshawe.

I think it's important to start with the promise we made in 1995 to reform a system that was clearly broken. We had many references to the highest number of people on welfare. This just wasn't a positive situation for anyone in Ontario. We made commitments in 1995 and, as the member for Guelph-Wellington has stated, today I'm pleased to celebrate our fifth anniversary. June 8, 1995, is when the train stopped and we turned around to go back to the promises made and the promise of hope in the future for everyone.

Our plan is an inclusive plan. It's an economic plan, but it does include everyone. It includes people who were rendered permanently powerless in a system or trap of welfare. We made a commitment of 500,000 people off the welfare rolls, and we're closing in on that mark as I speak. There are half a million people fewer, who are actually bringing home their own food and their own paycheque, and I believe that's positive. The 725,000 net new jobs is clearly another target we made as a promise and a commitment.

In a general philosophical sense, I remember some of the terms we used while trying to communicate the plan by saying such things as, "A hand up instead of a hand-out." That was just a phrase at the time, but it's certainly an important empowerment. Behind that phrase is the idea of extending a hand to someone, the idea of extending hope to someone in their lives, who had otherwise been termed a life of hopelessness, in my view.

There was a whole industry built around the idea of, I would say, a group of do-gooders feeding off the less fortunate. It's unfortunate to think they were permanently employed to sort of dole out to those people who were unable to help themselves. Our plan focuses on the positive, providing them with the hope and supports they need and the encouragement and motivation to help themselves and to be sure we're there for it.

It's this powerlessness, the permanence of powerlessness that I think is absolutely appalling in the policy



level from the opposition and the third party. To me, it's that attitude that you're going to give to them. You can't give someone that sense of powerfulness themselves. The real solution, I believe, was in the plan of getting people who were disabled off the welfare rolls. That's been done, and I believe the real solution is the work for welfare plan. I would say that the best welfare plan—another phrase we use—is a job. Clearly, we've created 725,000 net new jobs.

The fundamental requirement is to have a strong economy and, in that, to be inclusive with people—the reforms in our provincial income tax system to get people below certain income levels totally off the tax rolls and give them more of their money to spend in their way, as their decision, as opposed to some bureaucrat.

For the record, though, I want to focus on the important thing of youth in this whole thing. Many have indicated that youth are the victims in this whole process, and that seems to be one of the caveats of some of the detractors of the plan. Our plan is to encourage youth and create opportunity and hope. I think Dr Bette Stephenson, in her children's Learning Opportunities Task Force, summed it up when she said: "Ontarians can be proud of their government's initiatives to open doors for learning disabled children. The increasingly successful experience at the post-secondary level is just one indication of their value."

The plan that increases annual benefits by \$210 for each child under seven in single-parent families—we expect this benefit will assist 77,000 children of low-income families in Ontario. Helping people through direct subsidization in the ways I have just outlined—in partnership, I might add, with the federal government—is the way to build stronger families and communities and to encourage people to take responsibility for their own lives. If you look at our plan and the increased investments in health care and children's services, I believe we're a long way in changing from the previous government's idea of giving a cheque and no hope.

**Mr Frank Mazzilli (London-Fanshawe):** It's my pleasure to rise and speak on this resolution brought forward by the member from Guelph-Wellington, what essentially is a resolution that talks about helping people. We can talk about welfare rates in this province being 10% higher than the national average and so on. But in reality, if people are not allowed the opportunity to have a job, they then live in poverty. That is the reality.

I continually hear the Liberals complaining and so on, but the reality is that anyone who remains on welfare will live in some sort of poverty situation. The best we can do is allow people an opportunity to get a job, and that's what workfare does. It allows people who do not have the skills an opportunity to go into an environment to obtain new skills, or perhaps skills they have forgotten because it's been some time since they've been in a workplace.

They continually complain about all these issues; in fact, they had the opportunity to do something about this. But instead when they were in government—the David Peterson government—welfare rates just continued to

climb in this province, and that's what we inherited. We believe that people should be allowed the opportunity to work and to be productive members of our communities.

Let's look at some of the savings we've achieved through 500,000 new people getting a job and having dignity. The savings have actually been reinvested in health care, and that is very important. When we took over government, \$17 billion was spent on health care, and now we're up \$5 billion to \$22 billion. That is despite the federal government's continued cuts to transfer payments to Ontario.

The federal Liberals are just no longer a partner in health care in Ontario today. They fund approximately 10% of health care. Is that a true partner? I suspect not. When we look at the definition of partnerships, generally we look at 50-50. That would be a true partner. We certainly ask the federal government not to treat the people of Ontario any differently than they treat people in other provinces and restore that funding to health care.

The member from Toronto Centre-Rosedale spoke about the methadone program. He would certainly know that anyone going through the methadone program is obviously in no condition to work until they've received some treatment. But in order to get into the methadone program, the problem has to be identified. That's what the testing for drugs in our plan is. You cannot get someone treatment—the methadone program is treatment—until you've identified that there's a problem. That is what we're doing. At some point, we hope that people on methadone programs or other programs become active and productive members in Ontario's economy and get their own dignity back by becoming involved in their communities and by no longer being drug addicts.

I'd like to close by saying that this should be a non-partisan issue, one that is about helping people. If the Liberals want to come to the table and say they truly care about Ontarians, then they should support this resolution because that's exactly what it talks about: caring; giving people their dignity back; future savings that can be redirected into health care. I will have an opportunity to speak on this a little bit later.

**The Acting Speaker (Mr Michael A. Brown):** Further debate? Response, the member for Guelph-Wellington.

**Mr Elliott:** I'm very pleased to hear from my colleagues representing York South-Weston, Barrie-Simcoe-Bradford, Toronto Centre-Rosedale, Durham and London-Fanshawe.

We've had various viewpoints on this resolution. I guess the bottom line is that I see our welfare reforms as an opportunity to turn around a system that was clearly not working. The 1.3 million people on welfare in Ontario five years ago was absolutely unacceptable. There is still a lot more to do because there are still only 500,000 people off the welfare rolls, so that leaves us with 800,000 people who need a job and need an opportunity. That's what we are working for in this government. The resolution today is asking for continued support for our changes, for welfare reform. I thought my

colleague from London-Fanshawe put it very succinctly: He said these proposals are about helping people.

I would say to my colleagues across the way that if you're not in support of welfare reform, then are you supporting not giving people opportunities for jobs? If you are against zero tolerance for welfare fraud abuse, does that mean you support welfare abuse? If you are against mandatory treatment for welfare recipients who use drugs, does that mean you support giving welfare to people who are on drugs and are not prepared to do anything about it?

We have said this is a priority for us. We have said from 1995 on that we are going to continue to make these changes, and we are resolute in doing that. The dignity of a job, the opportunity to go to work and be part of a meaningful activity, to be able to support your family, to be able to be in an education program, is absolutely essential, and that is what these reforms are all about.

I said earlier that there's a saying in my riding that is so very important: "By work and by worth we rise." We are going to give those on welfare those opportunities.

**The Acting Speaker:** The time for this ballot item has now expired. I will put the questions related to ballot items 29 and 30 at 12 noon. Pursuant to standing order 96(e), this House stands recessed until 12 noon.

*The House recessed from 1143 to 1200.*

## CITY OF OTTAWA AMENDMENT ACT, 2000

### LOI DE 2000 MODIFIANT LA LOI SUR LA CITÉ D'OTTAWA

**The Acting Speaker (Mr Michael A. Brown):** M<sup>me</sup> Boyer has moved second reading of Bill 79. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

We will now deal with ballot item number 30. The division will take place following that.

## WELFARE REFORM

**The Acting Speaker (Mr Michael A. Brown):** Mrs Elliott has moved ballot item number 30. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will deal with that following ballot item number 29. Call in the members. It'll be a five-minute bell.

*The division bells rang from 1201 to 1206.*

## CITY OF OTTAWA AMENDMENT ACT, 2000

### LOI DE 2000 MODIFIANT LA LOI SUR LA CITÉ D'OTTAWA

**The Acting Speaker (Mr Michael A. Brown):** Will members please take their seats? M<sup>me</sup> Boyer has moved second reading of Bill 79. All those in favour will please rise and stay standing until your name is called.

#### Ayes

Agostino, Dominic	Dombrowsky, Leona	McLeod, Lyn
Boyer, Claudette	Duncan, Dwight	Patten, Richard
Bryant, Michael	Gerretsen, John	Peters, Steve
Caplan, David	Kwinter, Monte	Phillips, Gerry
Colle, Mike	Lalonde, Jean-Marc	Ruprecht, Tony
Cordiano, Joseph	Levac, David	Smitherman, George
Crozier, Bruce		

**The Acting Speaker:** All those opposed will please rise and stay standing until your name is called.

#### Nays

Arnott, Ted	Johns, Helen	Runciman, Robert W.
Baird, John R.	Klees, Frank	Sampson, Rob
Barrett, Toby	Marland, Margaret	Spina, Joseph
Chudleigh, Ted	Martiniuk, Gerry	Sterling, Norman W.
Clark, Brad	Mazzilli, Frank	Stewart, R. Gary
Cunningham, Dianne	Molinari, Tina R.	Stockwell, Chris
Ecker, Janet	Munro, Julia	Tascona, Joseph N.
Elliott, Brenda	Mushinski, Marilyn	Turnbull, David
Flaherty, Jim	Newman, Dan	Wilson, Jim
Galt, Doug	O'Toole, John	Witmer, Elizabeth
Gilchrist, Steve	Ouellette, Jerry J.	Wood, Bob
Guzzo, Garry J.	Palladini, Al	Young, David
Hodgson, Chris		

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 19; the nays are 37.

**The Acting Speaker:** I declare the motion lost.

## WELFARE REFORM

**The Acting Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 30, private member's notice of motion number 16, moved by Mrs Elliott. All those in favour will please stand and remain standing until your name is called.

#### Ayes

Arnott, Ted	Johns, Helen	Runciman, Robert W.
Baird, John R.	Klees, Frank	Sampson, Rob
Barrett, Toby	Marland, Margaret	Spina, Joseph
Chudleigh, Ted	Martiniuk, Gerry	Sterling, Norman W.
Clark, Brad	Mazzilli, Frank	Stewart, R. Gary
Cunningham, Dianne	Molinari, Tina R.	Stockwell, Chris
Ecker, Janet	Munro, Julia	Tascona, Joseph N.
Elliott, Brenda	Mushinski, Marilyn	Turnbull, David
Flaherty, Jim	Newman, Dan	Wilson, Jim
Galt, Doug	O'Toole, John	Witmer, Elizabeth
Gilchrist, Steve	Ouellette, Jerry J.	Wood, Bob
Guzzo, Garry J.	Palladini, Al	Young, David
Hodgson, Chris		

**The Acting Speaker:** All those opposed will please stand and remain standing until your name is called.



## Nays

Agostino, Dominic  
Boyer, Claudette  
Bryant, Michael  
Caplan, David  
Colle, Mike  
Cordiano, Joseph  
Crozier, Bruce

Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Kwinter, Monte  
Lalonde, Jean-Marc  
Levac, David

McLeod, Lyn  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Ruprecht, Tony  
Smitherman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 37; the nays are 19.

**The Acting Speaker:** I declare the motion carried.

All matters relating to private members' public business have now been completed. This House stands adjourned until 1:30 of the clock.

*The House recessed from 1212 to 1330.*

## MEMBERS' STATEMENTS

## WATER QUALITY

**Mr Michael Bryant (St Paul's):** Concerned citizens in my riding of St Paul's have been contacting my constituency office to express their condolences to the families of Walkerton devastated by the E coli infection of their water. Constituents have also expressed their horror that this could happen in the province of Ontario.

We know about the \$200 dividend for Ontarians, the so-called benefit of the Harris revolution. But now we also know of the latest cost of the revolution: the death of at least seven people, thousands sick and an entire community in ruins.

Who is democratically accountable for this tragedy? These are the facts: This government cut the environment budget by 40%, laid off half of the environmental officials dedicated to protecting water, and downloaded \$1 billion worth of responsibility on to municipalities. These facts lay the responsibility for this tragedy at the feet of this government.

It's time for the Premier to exercise leadership, to take responsibility for this tragedy and do everything possible to guarantee the safety of our water. Yet it seems that Mike Harris is busy pointing fingers at his predecessors or at other politicians at the municipal and federal levels.

In contrast, Dalton McGuinty and the Ontario Liberals have put forward an action plan to protect drinking water safety pending the outcome of a public inquiry, including the immediate hiring of 100 inspectors and enforcement officers, the testing of every municipal water treatment facility in Ontario within six months and the introduction of tough new clean water legislation.

To date, the government has failed to act on this action plan. I urge the Premier to set aside partisan bickering and finger pointing. Act on the McGuinty action plan, Premier, so that one day all Ontarians can drink our water without having to think twice.

## DURHAM SCHOOLS

**Mr John O'Toole (Durham):** My growing riding of Durham is home to some of the finest schools in Ontario. Today I would like to highlight two of those exceptional facilities.

Cartwright high school located in Port Perry is celebrating its 75th anniversary this very weekend. Former and current students know that Cartwright is one of the smallest high schools in the province, with a current enrolment of about 200, with the highest achievement. These graduates and future graduates will also tell you that Cartwright may be the smallest but it has the biggest heart in the area.

This weekend's 75th anniversary celebration is evidence of the heart and the sense of the whole community behind it. I must congratulate the organizers: Debbie Bauer, John Beirness, Laura Micklewright, Grant Micklewright, Gord Paisely, Tim Taylor, the principal, Shirley Turner, Aileen Van Camp, Merril Van Camp and John Walhout. This weekend's events include an open house, complete with decade rooms celebrating the history of the school, its teachers and its students, and a barbecue in the evening followed by a dinner and dance.

Not far away is Bowmanville high school. The high school attended the Heritage Festival in Vancouver and came home with a number of important awards. The senior band, under Shawn Hills, won a silver medal, as did the senior jazz band, led by Mike Menheere. Mr Kevin Chocorlan led both the choir and the senior girls to gold medals.

I would like to congratulate all the students, teachers, and the community for making sure that our schools are excellent and the activities, both in school and extra-curricular, are always delivered on time, with passion.

## ARCHIVAL PRESERVATION

**Mr Steve Peters (Elgin-Middlesex-London):** I would like to take this opportunity to congratulate the county of Elgin for its initiative and commitment to the establishment of a county archives.

I commend them for the recognition of the importance of preserving our written, printed and visual heritage for future generations. An archives plays an important role in ensuring that genealogists, students and historians are able to gain access to important historical information.

We continue to see a decreasing number of municipalities in Ontario, and I fear that important archival materials will be lost as a result. It is incumbent on all of us to express concern and sound the alarm bells. I have personally heard from one municipality in the Hamilton area that cannot find a home for many of its municipal artifacts. The loss of these items should not be allowed to continue.

As municipal amalgamation increases throughout the province and small municipalities are swallowed up by larger ones, this issue becomes ever more pressing. I urge the Minister of Municipal Affairs and the Chair of Man-

agement Board, the ministry responsible for the Archives of Ontario, to work with the Archivist of Ontario and the Archives Association of Ontario to develop a comprehensive municipal archival preservation plan.

Our province has entered its fourth century of local government, and in a time of financial prosperity the commitment must be made to ensure that the Ontario archives and municipalities receive adequate financial support to preserve our heritage. The county of Elgin has taken the lead and it is my hope that others will follow.

### AIR CADETS

**Mr Peter Kormos (Niagara Centre):** It's beyond ironic, it's disgusting, that at the same time as the Minister of Education is promoting her code of conduct for our students, she is also, through her and her government's Conservative policies, forcing the eviction of the Thorold Flying Dragons Royal Canadian Air Cadet Squadron 128 from their 58-year home at Thorold Secondary School.

For almost 60 years, that school has been able to host the air cadet squadron, producing annually scores upon scores of young women and men who are nurtured by the training, discipline and skills promoted in the air cadets. As a result of this government's policies—in fact, school board chair Don Reilly puts it this way: "The ministry has reduced payments for school maintenance and in doing so took away our ability to give the school for free to the air cadets."

Back in 1986, the air cadets paid for their own renovations. Can another home be found? Probably, but there's a historic link. In fact, this school is an ideal location, with its gymnasium for use as an indoor square and parade ground and for the asphalt outside.

Instead of bashing students, bashing young people, bashing teachers, it's about time this minister did something positive. I want her to intervene and assure the young people and their families, the members of the air cadet squadron, their leadership and the many volunteers who work with them that they will continue to have a home at Thorold Secondary School free of charge.

Schools belong to the community. Schools ought to be utilized by the community. We don't need codes of conduct. We need support for groups like these air cadets.

### PRIVATE UNIVERSITIES

**Ms Marilyn Mushinski (Scarborough Centre):** I rise in the House today to congratulate the Minister of Training, Colleges and Universities on taking courageous and ambitious steps to help post-secondary students in my riding. Recently, Minister Cunningham announced the province's intentions to give private post-secondary institutions degree-granting status. This has come as welcome news for students in my riding.

Last week I had the opportunity to introduce a petition in the Legislature signed by over 700 students of the DeVry Institute, a great many of those students at the

Scarborough campus. The petition was supportive of the minister's plans and called for its speedy implementation.

Currently, DeVry students at the Scarborough and Mississauga campuses must spend the final four months of their studies at a sister campus in Calgary or in southern California. This government's plans mean that those students will be able to obtain a degree at home in Ontario. Keeping these students in the province is a small step in addressing the growing brain drain problem.

By allowing private post-secondary institutions to grant degrees, this government is providing the young people of this province with important choice in their education.

There are many reasons why members should support the proposals coming from Minister Cunningham. First and foremost is that her plans are good for the young people of Ontario.

### HOSPITAL FUNDING

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** The Minister of Health finally made an announcement about hospital funding yesterday—three months into the hospitals' fiscal year. Unfortunately, she didn't give hospitals the money to pay the bills for the rest of the year, so once again the hospitals are hoping there's going to be more money somewhere down the road.

In the meantime, hospitals that are trying to cope with deficits are wondering what they have to do today. Half of the province's hospitals were facing deficits last year and that was before another \$300 million in wage increases was figured in. The government is offering only \$329 million in what they call new money; in fact, all but \$100 million of that was already in last year's budget. So the deficits that many hospitals were facing last year are going to be there again this year.

Windsor hospitals need \$18 million more. Hamilton Health Sciences Centre is still at least \$20 million short of what it needs. Sunnybrook hospital says that it will have to close operating rooms and acute care beds to eliminate a \$23-million deficit. The Ottawa Hospital is facing a \$39-million deficit; they received \$15 million yesterday. Little Atikokan Hospital found that most of the money they received had actually been given to them last December and now they're back to looking at a deficit again this year.

The government is supposed to bring in a new hospital funding formula. They need about \$100 million to start implementing it. Some hospitals will benefit; others won't.

The cuts can't be delayed much longer in the hopes of more money coming. The hospitals need clear answers now. Down payments and vague promises are not enough to ensure that we'll have access to hospital care where and when it's needed.



## LEGISLATIVE PAGES

**Mr R. Gary Stewart (Peterborough):** On behalf of the members of this Legislature, I'd like to show appreciation for our legislative pages.

Pages are grade 7 and 8 students who have been granted a leave of absence from school while working in the legislative chamber for a term of four to six weeks.

The duties of the pages vary. They can be seen carrying messages to and from the MPPs, meeting with politicians and officials, learning how laws are made and how our great province is governed.

To apply to the page program, students must maintain a level 4 scholastic achievement and be actively involved in a variety of co-instructional activities, both in and outside of school.

One of our current pages, Alexandra Stephenson, comes from my riding of Peterborough. I've had the opportunity to meet with Alexandra, and her parents are in the gallery. Welcome. It's very uplifting to meet young people with qualities like Alexandra's.

I know we're all very proud of each and every one of these young people. Please join me in thanking the pages for their continued service.

1340

## HIGHWAY ACCIDENT

**Mr Dave Levac (Brant):** It is indeed unfortunate and in a solemn moment that I rise in the House today to share our heartfelt thoughts on the tragic news of an accident that occurred on a stretch of Highway 401 near Chatham. Again we have a stark and chilly reminder of the reality that is faced day to day by our police officers across the province of Ontario.

That is why I want to express publicly again my total and complete respect, understanding, pride and support to the police officers, support staff and administration of the police services of the county of Brant and Brantford when I pay respect to the police officers serving the Chatham-Kent OPP.

To Constable Patti Pask and her family, Constable Brad Sakalow and his family, and especially Sergeant Mary Eve and her family, I offer heartfelt prayers and thoughts for a speedy recovery.

A total of six people were taken to hospital. To all the injured in this accident, on behalf of all of us, I offer our heartfelt prayers for a speedy recovery.

To the police officers doing their duty, please be assured that we honour you and thank you for a job well done.

Again, our prayers and thoughts are with the injured and their families at this time, and I know I speak for all members on behalf of the House. We do recognize and understand that there are few jobs in the public service, and even in the private service, where people go to work day to day putting their lives on the line. For this, we thank you and we pray for you.

## WOMEN OF DISTINCTION AWARDS

**Mrs Tina R. Molinari (Thornhill):** It was my privilege and pleasure to attend the recent Women of Distinction Awards ceremony in Toronto. This remarkable event, chaired by Joann Chechalk, who is president of the board of directors of the YWCA of Toronto, celebrates and honours women who have made an outstanding contribution in their field.

Rahima Nenshi, one of my constituents in Thornhill, was the recipient of this year's Young Woman of Distinction Award. She is currently in her first year pursuing a combined degree in international studies and general science at Huron College at the University of Western Ontario. She has maintained an 85% average in her first year of post-secondary study and is a deserving recipient of the Huron College National Scholarship. Her future goal is to attend medical school and to pursue a career in international medical relief.

While pursuing her post-secondary studies, Rahima was elected as the first-year representative of the Ismaili Students Association and was actively involved on the Huron College social issues committee. Rahima has also taken part in Frontier College's nationwide volunteer literacy program.

During high school Rahima volunteered at the day care centre, tutored grade 3 and 4 students and organized student volunteering both at the Daily Bread Food Bank and at York Central Hospital in Thornhill. Rahima was actively involved in the youth wing of the Rotary Club of Canada and in the provincial student body OSSSA. I would like to congratulate Rahima for her commitment to helping others, particularly young children. She is an inspiration to all of us.

At this time I would like to recognize Rahima Nenshi and Joann Chechalk, president of the board of directors of the YWCA, in the east gallery.

## VISITORS

**The Speaker (Hon Gary Carr):** Also with us today in the Speaker's gallery are the 1999-2000 Ontario legislative interns. With us today we have Emily Bain, Jennifer Harrington, Stephanie Lu, Kevin Machida, Brandy Miller, Chris Morley, Andrew Owen and Priya Suagh. Would all the members please join in welcoming our interns.

## REPORTS BY COMMITTEES

STANDING COMMITTEE ON  
PUBLIC ACCOUNTS

**Mr John Gerretsen (Kingston and the Islands):** I beg leave to present a report on the Andersen Consulting contract from the standing committee on public accounts and move the adoption of its recommendations.

**The Speaker (Hon Gary Carr):** Does the member wish to make a brief statement?

**Mr Gerretsen:** First of all, I would like to take this opportunity to thank the committee members for the unanimous report that has resulted from our hearings that took place over two days last December. Specifically, I'd like to thank co-Chair John Cleary, John Hastings, Bart Maves, Marilyn Mushinski, Shelley Martel, Julia Munro and Richard Patten for coming up with the unanimous report that contains eight unanimous recommendations. I would also like to take this opportunity to thank Erik Peters, our Provincial Auditor, and his staff, and the clerks of the committee, Donna Bryce and Douglas Arnott, as well as the research officer, Ray McLellan.

The recommendations speak for themselves, but if I could just highlight one, it specifically states that "No further payment should be made to Andersen Consulting until the primary objective of implementing new technology is met and overall benefits exceed costs."

I am pleased to present this report and move that the debate now be adjourned.

**The Speaker:** Mr Gerretsen moves the adjournment of the debate. Is it the pleasure of the House that the motion carry? Carried.

#### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

**Mr Ted Arnott (Waterloo-Wellington):** I beg leave to present a report of the standing committee on finance and economic affairs and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill, as amended:

Bill 72, An Act to pay a dividend to Ontario taxpayers, cut taxes, create jobs and implement the Budget / Projet de loi 72, Loi visant à verser un dividende aux contribuables de l'Ontario, à réduire les impôts, à créer des emplois et à mettre en oeuvre le budget.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated Tuesday, May 15, 2000, the bill is ordered for third reading.

#### INTRODUCTION OF BILLS

##### PROFESSIONAL GEOSCIENTISTS ACT, 2000

##### LOI DE 2000 SUR LES GÉOSCIENTIFIQUES PROFESSIONNELS

Mr Hudak moved first reading of the following bill:

Bill 86, An Act to establish the Association of Professional Geoscientists of Ontario / Projet de loi 86, Loi visant à établir l'Ordre des géoscientifiques professionnels de l'Ontario.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Does the minister have a short statement?

**Hon Tim Hudak (Minister of Northern Development and Mines):** I'll defer my statement to ministers' statements, Mr Speaker.

#### MOTIONS

##### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** Mr Speaker, I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mr Sterling:** I move that, notwithstanding standing order 96(g), the requirement for notice be waived with respect to ballot item 32.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

1350

#### STATEMENTS BY THE MINISTRY AND RESPONSES

##### ENERGY COMPETITION

**Hon Jim Wilson (Minister of Energy, Science and Technology):** The Energy Competition Act was passed by this Legislature more than two years ago in order to ensure Ontarians a safe, reliable supply of electricity at the lowest possible cost. Like a three-legged stool, there are three elements that must work together to keep costs down. The first is competition in generation. Every jurisdiction in the world that has introduced competition has seen savings in generation of from 5% to 40%. The second leg of the savings stool is debt reduction. Thirdly, there must be fair and stable distribution rates.

As a government, we've moved to take care of the first two. We've introduced competition in generation. This is spelled out in a far-reaching plan that requires Hydro's successor company, Ontario Power Generation, to reduce its current dominant position in the generation market to 35% over the next 10 years. We've also put a plan in place to reduce and eliminate Ontario Hydro's legacy of debt and liabilities.

But for the third, important leg of the stool we must look to our partners: Ontario's municipalities and their local electric utilities. Local distribution is the regulated, monopoly side of the electricity business. It's much like the wires side of the telephone business. Bell Canada owns the wires but any long-distance competitor can use



those wires in exchange for a fair rate, regulated by the CRTC. By the same token, municipalities, which own the electricity wires, must deliver electricity to customers at fair and reasonable rates.

There is only one wire. Customers have no choice but to use the municipal utility's wires. That's why local distribution rates are subject to the review and approval of the Ontario Energy Board under our new act, and that is why today I have directed the Ontario Energy Board to make customer protection its first priority when deciding rate applications before them. I have further directed the OEB to ask municipalities to justify the rate applications before they are approved.

More than two years ago, when we were drafting the Energy Competition Act, the Municipal Electrical Association and the Association of Municipalities of Ontario urged the government not to force amalgamations and mergers in the electricity distribution sector. At that time, we were told that if we gave them the tools and incentives, municipalities would do the right thing for customers and move to rationalize the distribution systems, find efficiencies and ensure the lowest possible price.

Our legislation gave municipalities the tools they requested. The act clarified for the first time that municipalities own their electricity utilities. Local municipal councils are the shareholders. We expected municipalities to act responsibly. Some of them have. Communities like Whitby and Thunder Bay have announced they will not be seeking rate increases. Our own company, Hydro One, has promised no increase, not only for existing customers but also for customers of the small utilities it is seeking to purchase.

But elsewhere the story has been very much different. Unfortunately, some municipalities have followed the ill-conceived advice of consultants and have filed with the Ontario Energy Board for significant increases in local distribution rates. There is no reason for distribution rates to go up in the competitive market. There are more than 250 municipal electric utilities in Ontario. That's more than 10 times the rest of Canada combined. They are monopoly businesses that have been bought and paid for by electricity customers. Between them, they have more than a billion dollars in cash and investments in the bank. That's pretty good for a so-called non-profit sector.

Customers have already put more than enough money into the electricity system to shield against any short-term transitional and regulatory costs brought on by electricity restructuring. As I have said many times, municipalities must earn their rate of return by squeezing efficiencies in their operations. Our own company, Hydro One, has done this. It conducted an employee pension buyout to finance its rate of return. I have asked municipalities to do the same, to find ways of becoming more efficient. I have urged them to put customers first. We believe in the benefits of competition, but customers must be protected in a competitive market.

Our government did not get into electricity competition to see prices increase, especially on the monopoly,

regulated side of the business. That is why I have given direction to the Ontario Energy Board, and it is why I am informing the House today that the government is preparing legislation that, if passed, would ensure municipal politicians put electricity customers first.

In conclusion, I hope and I expect that all members of this House will also want to put customers first and will support this bill.

## REGULATION OF GEOSCIENTISTS

**Hon Tim Hudak (Minister of Northern Development and Mines):** Today I have great pleasure in introducing into this House legislation to govern the geoscience profession in Ontario. This legislation, to be known as the Professional Geoscientists Act, will establish the Association of Professional Geoscientists of Ontario as the governing body for professional geoscientists. It will empower the association to establish standards of professional practice for persons who wish to be recognized as geoscientists.

The bill is being introduced three months after I first indicated my intention to address this issue at the mining industry's Mining Millennium 2000 held in March in Toronto. That was followed by an intensive period of public consultations. These consultations were distinguished by the thoughtful and outstanding contributions of all those interested in the issue. It is that level of public participation that has enabled me to bring forward this legislation today.

I must commend all the participants for their input and add a special word of thanks to my parliamentary assistant, Jerry Ouellette, who so diligently led the consultation process across the province, from corner to corner in the province of Ontario. Great work, Jerry.

### *Interjections.*

**Hon Mr Hudak:** I'm getting heckled by the minister, Mr Speaker.

I'd also like to thank the opposition, particularly Michael Brown, the member for Algoma-Manitoulin, and Shelley Martel, the member for Nickel Belt, for their letters of support on this initiative. I also want to thank the Chair of Management Board, the member for Haliburton-Victoria-Brock, Chris Hodgson, who as my predecessor as Minister of Northern Development and Mines initiated this process that has led to the introduction of the bill today.

As well, let me acknowledge the presence in the gallery of some key stakeholders whose expertise and assistance have contributed greatly to the drafting of this legislation. Allow me to welcome John Bowlby, vice-president of the Association of Geoscientists of Ontario; Andy Cooper, secretary treasurer of the Association of Geoscientists; Neil Westoll, the chair of the advisory committee of the AGO; and Maureen Jensen, director of mining services, the Toronto Stock Exchange. Welcome and thank you for being with us here today.

As I've told this House on previous occasions, Ontario's mining sector contributes some \$5 billion an-

nually to the province's economy and sustains hundreds of communities across the province, particularly in northern Ontario. My ministry is therefore committed to ensuring that Ontario continues to be one of the most attractive jurisdictions for mining investment in this world. In fact, we strive to be the best. This bill, coupled with our past mining initiatives and those announced in last May's provincial budget, including record tax cuts to the mining industry, puts us well on our way to claiming this lofty status.

This proposed legislation responds to the February 1999 recommendations of the Mining Standards Task Force, a joint committee of the Ontario Securities Commission and the Toronto Stock Exchange. It intends to bring Ontario's geoscientists under a system of licensure that would set out professional standards. These would allow geoscientists to become qualified persons who would review and approve all mineral exploration results to be published and protect the public against unskilled or unethical actions. This bill will put Ontario in a position to comply fully with rules that are expected to be adopted by securities regulators to strengthen quality and integrity in public disclosure.

This proposed legislation supports economic growth and job creation. It tells the world that Ontario is open for business, that Ontario is ready and able to participate successfully in the global market and that Ontario will continue to be regarded as the mining financing capital of the world.

The legislation will ensure that geoscientists working in environmental fields possess a high level of professionalism. All sectors of the province are affected by the actions of geoscientists through their contributions to mapping groundwater, siting landfills or mapping hazardous land. The standards of accountability we are proposing are fundamental to protecting the public interest and will serve as a model for other jurisdictions.

This bill enhances Ontario's international competitiveness by showcasing the province's excellence in geoscience, while supporting the development and professionalism of the geoscience community. This proposed legislation provides support for Ontario's geoscientists and geoscience-based companies to compete in international markets.

I hope I can count on the support of all parties in the Legislature to bring this legislation forward and ensure its passage through to enactment.

**Mr Michael A. Brown (Algoma-Manitoulin):** Briefly, I would just like to reply to the statement from the Minister of Northern Development and Mines and indicate our support for this measure and our appreciation for the help of the parliamentary assistant and staff of the ministry in providing us with a briefing on this measure.

It will be helpful to juniors, to prospectors, to investors and the investment community. We are in support, and I thank you for that.

1400

## ENERGY COMPETITION

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I'm going to respond on behalf of the official opposition to the Minister of Energy's statement today about electricity rates. I really appreciate the opportunity, as one member of this Legislature, to raise and focus attention on the question of electricity rates, because make no mistake about it, my friends, regardless of which party you belong to, and to the audience out there, electricity rates in the province are going to go up and they're going to go up sharply, for both residential and industrial and commercial consumers.

While the government of Ontario is not entirely responsible for these rate increases, the electricity policy pursued by the Harris government is substantially responsible for the sharply increased electricity rates that all consumers of electricity are going to experience over the next six to 18 months.

What we have today from Jim Wilson, Minister of Energy, is, incredibly, yet more of the Harris disease, namely, blame the municipalities: Blame, blame, blame; accept no responsibility. That's what we've got today. We've just heard the Minister of Energy stand in his place and blame the municipal utilities when the Minister of Energy himself knows that the electricity policy which he brought and piloted through this Legislature gamed the rules against the municipal utilities in favour of Ontario Hydro.

He hasn't said today or he hasn't said at any other time that in fact one of the things going on out in the marketplace today is that his company, Hydro One, is out there in the Ottawa Valley and elsewhere in the province paying premium prices buying up utilities. Professor Joe Kushner, over at Brock University, has done some very good work on this very point. I repeat: Jim Wilson and Mike Harris's company, Hydro One, is up in places like the Ottawa Valley and in central and western Ontario paying premium prices to buy up municipal utilities.

Should there be a restructuring? Absolutely, and in southern Ontario most of that restructuring should be in favour of fewer, larger MEUs. But that's not what we're getting. We're getting a bigger, stronger Ontario Hydro, and that's only possible because the rules that were written by the Harris government made it possible for Ontario Hydro Retail to get bigger, and that's precisely what Mr Osborne is doing.

But it's more than that. Just in the last few days, my colleagues Mrs McLeod, Mr Gravelle and Mr Crozier, to name but three, have come to me with cases in their own constituencies, and I have several of my own and I know my colleagues opposite on the government bench have as well. Direct customers of Ontario Hydro are being told by Ontario Hydro Generation: "Get ready. Your rates are going to go up anywhere from 15% to 25% very shortly after the market opens." That has nothing to do with the



MEUs. That has nothing to do with Toronto Hydro or Pembroke Hydro or Sarnia Hydro.

I don't want to embarrass some of the big companies, but we know who they are. I'll be quite frank, I had Inco in yesterday and they are very worried, as is Falconbridge, as are a number of these resource-extractors in northern Ontario. Let me repeat: They are being told, as direct customers of Ontario Hydro, that their rates are going to go up anywhere between 15%, 20% and 25%, and that has nothing to do with the MEUs.

I will be the first one to say this is a difficult, complicated policy, and all of us have a responsibility. I accept what the government says about the past. But I tell you, I never thought, given what this government said it was about, which was competition in generation—that's 70% of your hydro bill. We're not getting that, and we're not getting it because Harris and Farlinger rejected the advice of people like Donald Macdonald and Darcy McKeough. Incredibly, the Harris government has become a kind of parlour poodle for the new, bigger, stronger, more expansive, more imperial Ontario Hydro. Because the Harris government has sold out to a bigger, stronger Ontario Hydro and because we're not going to get competition in generation, everybody's electricity rates, both residential-farm and industrial-commercial, are going to go up. They're going to go up sharply and soon, to the detriment of the social and economic well-being of this Ontario of ours.

**Mr Howard Hampton (Kenora-Rainy River):** I very much want to respond to the Minister of Energy. It was the Minister of Energy, when he introduced this legislation, who said to all of us, "Rates are going to go down." On this side of the House, we said, "All you need to do is look at the so-called deregulated market in the United States, where their costs of energy are higher than ours, and anyone can figure out that rates are going to go up." And what do we have today? We have the Minister of Energy coming back a year and a half later and saying, "Oops, rates are going to go up." But he's got to find someone to blame. This government can't admit that it got it all screwed up again. You've got to find someone to blame. Isn't it amazing? The government said a year and a half ago, "Deregulation is the answer." Today we have the Minister of Energy in here saying, "Oops, I have to re-regulate."

Minister, you're not fooling anyone. Your attempt to blame the municipalities is like your Premier's attempt to blame municipalities. It is shallow, it is cynical and the facts don't bear it out. Let's be clear about where this government is going with Hydro. The legislation they brought into this House and passed ostensibly tilts the scales in favour of their corporate friends who are now running Ontario Hydro. It puts municipal utilities in a position where they are being steamrollered to sell to their corporate friends who are going to run the old Ontario Hydro.

Some of the municipalities are thinking: "You know, we kind of like to look after our community. Also, this is a very valuable asset. We don't want to sell it to Mike

Harris's corporate friends cheap. We'd like to make sure our people, our taxpayers get something out of it." To do that under your rules, they virtually have to raise their rates, according to your formula. That's what they're doing. They're only behaving according to your formula set out in the legislation. Your legislation says they need to earn a market rate of return, so that's what they're doing. But now, when they behave as your legislation tells them to, you're going to stomp all over them and blame them. This minister is more incompetent than the Minister of the Environment. That much is clear.

I want to say very directly to all of the people across Ontario that everybody's power rates are going to go up. In my community, a representative of a paper mill, which has run successfully for almost 100 years, came into my office and said as a result of this government's privatization and so-called deregulation they are looking at power rate increases of 25% to 30%. They are looking at the potential of having to close down during certain months of the year because of the high cost of power. I want to tell people who have large, industrial complexes in their community, like paper mills, pulp mills, steel mills and nickel mines, that this is something which is going to hit every community, and there's a reason.

The minister says once the market is privatized, this is going to work. Folks, the people who are coming into Ontario to buy up chunks of our hydro-generating capacity are overwhelmingly American companies. Do you think all these hydro-generating stations are going to sell in Ontario for a cheap price or they're going to sell into Chicago for a bigger price, into Detroit for a bigger price or into New York for a bigger price? I have to tell you these corporations aren't in business to lower rates. They're in business to achieve the highest rate of return, and they will achieve the highest rate of return by buying up power stations in Ontario and selling the power in Chicago for a bigger price, selling the power in New York for a bigger price or selling the power in Detroit for a bigger price. If citizens in Ontario want to buy the power that is being generated here, we will have to pay a higher price.

That is the dirty little secret of this government in terms of energy policy. The cost of power, the price of power to people all across Ontario, is not going to go down, it's going to go up. Trying to blame municipalities, as you are today, is the same shallow, disgusting, cynical game that we saw the Premier engage in earlier this week, and it's going to be exposed in this situation exactly as it was exposed with the Premier in the whole issue around Walkerton.

1410

ADRIAN FILLMORE

**Mr George Smitherman (Toronto Centre-Rosedale):** On a point of order, Mr Speaker: I am seeking unanimous consent for a moment of silence in honour of Adrian Fillmore, a constituent of Toronto Centre-Rosedale. Mr Fillmore was a man who made his

home in a bus shelter at the corner of Bay and Wellesley, adjacent to the Mowat Block. His vicious murder on Monday night has been a traumatic event for many in the Queen's Park government precinct. Mr Fillmore was well known to many members of this Legislature and to thousands of Ontario public servants with whom he shared that corner.

Mr Fillmore's murder is regrettably only one occurrence of many that have ravaged our city's vulnerable homeless community recently. In addition to wishing our police service Godspeed in bringing his murderer to justice, I ask for unanimous consent for a moment of silence in honour of the life of Adrian Fillmore.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed. Would all of our friends in the galleries join us for a moment of silence.

*The House observed a moment's silence.*

## ORAL QUESTIONS

### MINISTRY OF THE ENVIRONMENT

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of the Environment and it's about the Walkerton water tragedy. A week ago Mike Harris said, "There's not a shred of evidence that there isn't enough staff, nor a shred of evidence that the procedures and the regulations, if they were complied with, would not have prevented this tragedy." There is much more, in fact, than a mere shred of evidence; there is a mountain of evidence. It's coming in day after day after day, and it is all damning.

I have in my hand today a copy of a document prepared inside your ministry by the water policy branch. It is dated January 2000. This document makes it perfectly clear that as a result of the decisions and actions that have taken place affecting the Ministry of the Environment here in Ontario, the kind of thing that happened at Walkerton was about to happen.

Tell us, Minister, why did you not only ignore the advice of the auditor and the Environmental Commissioner but now a document prepared by your own staff warning you that your negligence was about to get our province, our people, into serious trouble?

**Hon Dan Newman (Minister of the Environment):** Every change that we've made and every policy that we have approved we felt has always been in the best interests of the citizens and taxpayers of Ontario. Neither I nor the Premier have attempted to deny or to lay blame in this case at all. We've tried to answer questions openly and we've tried to answer those questions to the best of our ability. I know this effort has been attributed by some as an attempt to lay blame. This has never been our intent, and I apologize if anyone has taken it that way.

I recognize that the member opposite has questions about this issue, and so do I. That's why there's an inquiry and three other investigations getting to the bottom

of what happened in Walkerton. That's why everything, including the operations and procedures of the Ministry of the Environment, is on the table to be examined by the public inquiry and the three other investigations.

**Mr McGuinty:** Minister, you did not answer the question. The question is, why did you ignore your staff? Why did you ignore all of those warnings that were placed under your nose and the Premier's nose? You act now as if this suddenly came from out of nowhere and you had no warning whatsoever of any kind at any time.

The fact of the matter is you had many, many warnings. In January 2000 this was placed before your ministry and your Premier. Inside this document your ministry staff make it perfectly clear that no procedures were in place to make certain that the medical officer of health was informed if deadly bacteria were found inside water. That was the warning that was given in January 2000. That's exactly what happened at Walkerton. That's what took place there. You didn't heed this warning and people died.

Tell us now again—because you didn't the first time—answer the question: Why did you refuse to heed this warning?

**Hon Mr Newman:** There are many questions over the unfortunate circumstances at Walkerton. That's why there is the public inquiry and there are three other investigations taking place, to ensure that we get to the bottom of this matter so that all of us in Ontario have answers, so that the people in Walkerton have answers to their questions. And that's why everything, including the operations and procedures of the Ministry of the Environment, is on the table to be looked at by the public inquiry and also by the other three investigations that are underway.

As a government we accept our responsibility and I give you this commitment: We want to do everything possible to get to the bottom of this terrible tragedy so that what happened at Walkerton never again happens in our province.

**Mr McGuinty:** The sad and terrifying prospect here is that what happened in Walkerton is going to happen again, because not only have you ignored warnings in the past but you are ignoring them today.

Minister, do you know what else this document prepared by your own ministry officials says? It says that a number of smaller municipalities are not complying with the minimum monitoring and reporting requirements. Cost was cited by these municipalities as the main reason for non-compliance.

Mike Harris, on the other hand, said, and I quote: "Any downloading that took place on the costs of water testing [was] very minor. There has not been any significant call from municipalities for them to pay for the testing."

Your own officials told you back in January 2000 that not only were smaller municipalities not complying with monitoring and testing requirements, but that they didn't do so because they didn't have the money to do so. They told you this back in January 2000.



Why, Minister, in addition to ignoring warnings from the Provincial Auditor and the Environmental Commissioner, did you ignore the warnings from those who are in your employ, people who work inside your ministry, people who placed a document under your nose and said: "Watch out. We're going to be in trouble here in Ontario. People are going to die"? Why did you ignore all of that?

**Hon Mr Newman:** There are many questions with respect to the tragic events at Walkerton. That's why there is a public inquiry, and that's why there are three other investigations, including the OPP's investigation. There is also the coroner's inquest. There's the investigation through the Ministry of the Environment's investigations and enforcement branch, looking at all possible answers in this tragic situation in Walkerton. And that's why the operations and procedures of the Ministry of the Environment are on the table in all of these investigations, because we want to get to the bottom of it so that the people of Walkerton and the people of Ontario have the answers they need so that something like this never, ever happens again in our province.

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**The Speaker (Hon Gary Carr):** New question.

**Mr McGuinty:** Minister, here's a document produced in January 2000 by ministry officials. It warns that your negligence is going to cause the kind of disaster that took place at Walkerton. Why did you ignore your officials? The people of Ontario want to know. Forget the message track for a minute. Why did you ignore your own officials who stepped to the fore and said that your negligence, what you had done to the ministry in terms of cuts and reducing inspections and downloading testing, was having a horrific effect on their ability to do their job? They warned that municipalities, but especially smaller municipalities in Ontario, weren't able to keep up with their responsibilities because they couldn't afford to do so.

Minister, again, why did you ignore that blatant warning?

**Hon Mr Newman:** The member opposite makes the point that the people of Ontario want to know, and he's absolutely right. They do want to know. So do I want to know. So do all members in this House, as do the people of Ontario. They want to know what happened in Walkerton, and that's why there is an inquiry under way. There are three other investigations—the OPP's investigation, the coroner's investigation, and the Ministry of the Environment's investigation—looking at all aspects of what happened in Walkerton so we can get to the bottom of it. As a government, we've accepted our responsibility and we want to get to the bottom of this tragedy. We want to ensure that something like this never, ever happens again in Ontario.

**Mr McGuinty:** Can you tell us, Minister, exactly how the minister responded when he was made aware of this memo, produced in January 2000 by his own officials, warning of the dire consequences as a result of cuts and downloading? Can you tell us exactly what happened at that time?

**Hon Mr Newman:** I can tell you that we take the protection of the environment in this province very seriously. Whether it's the protection of the water for the people of Ontario, whether it's the protection of the air for the people of Ontario, or whether it's the land protection, we take this very seriously. That's why in this case here in Walkerton there is a public inquiry that will be underway and other investigations, so we can get to the bottom of the tragic circumstances in Walkerton.

**Mr McGuinty:** Minister, you don't get it. There are hundreds of Walkertons waiting to happen today in Ontario. This document warns that smaller municipalities aren't able to live up to their responsibilities when it comes to testing and monitoring water. It says they can't do that for one important reason: They can't cope with the additional costs that have been downloaded on to them. You ministry officials knew about this. They thought it was very, very important to bring it to the minister's attention, so they put it in writing, they put it in black and white, and they did so in January 2000. They sent it forward and they prayed and they hoped that the minister would receive it and do something about it and act on it immediately.

I'm going to ask you again, Minister, what happened when the minister received this document prepared by his officials warning about an impending disaster because of actions that had taken place inside the ministry?

**Hon Mr Newman:** I don't think fearmongering or laying blame is going to do anyone any good in this case. There are water tests that take place in our province. Municipalities have a responsibility, as do public utilities. Where you have a municipality of under 100,000 people, they would test their water eight times a month, plus an additional test of one per thousand of population. Populations greater than 100,000 would have 100 tests per month, plus an additional test being conducted for every 10,000 of population. That's what's in the Ontario Drinking Water Objectives with respect to water testing.

I again remind the member opposite that all matters pertaining to Walkerton and all matters pertaining to the Ministry of the Environment are obviously going to be looked at via the public inquiry and the other three investigations underway.

**The Speaker:** New question; the leader of the third party.

**Mr Howard Hampton (Kenora-Rainy River):** To the Minister of the Environment, this is the report that you should have read. This is the report which contains the evidence that I think is now overwhelming against your government. This report says that as early as 1997, Ministry of the Environment officials were telling your government that there were problems with the quality of drinking water and that you did not have the standards in place, you did not have the machinery in place to check that or do anything about it. And it says that after closing the government labs, after laying off 900 scientists, inspectors and enforcement officers, it says clearly, "Restructuring necessitates a review of the protocol for the notification of the medical officer of health on

discovery of adverse drinking water quality." It tells you that very plainly. But it seems you did nothing, and now at least seven people are dead in Walkerton as a result of this, possibly 11.

Minister, you had more warnings than that. You had warnings in January, February and March that there were problems with the water in that particular community. You did nothing then, as well.

Minister, why didn't you take action? Is it because, for your government, giving another tax cut to the well-off is more important than protecting the quality of water for the citizens of Ontario? Is that the real reason?

**Hon Mr Newman:** I know the leader of the third party has many questions with respect to what happened at Walkerton, and I too have many questions. That's why there are investigations underway. There is the public inquiry that is simply going to look at all the events that happened in Walkerton. That's why we're doing everything including having the procedures and operations of the Ministry of the Environment be examined by a public inquiry.

We've accepted our responsibility as a government. We definitely want to get to the bottom of this. We want to have answers, as do the people of Walkerton. We want to ensure that an event like this never happens again in Ontario.

We have committed to do whatever it takes to get to the bottom of this and to provide whatever is needed to help the people of Walkerton. That's why later this afternoon my colleagues Ministers Marland, Jackson, Palladini and Flaherty, along with Bill Murdoch, the local member, will be in Walkerton to indicate further steps the government will be taking to address the needs of the people of Walkerton.

**Mr Hampton:** Tragically, after 11 people have died and over 2,000 have been rendered sick, this government discovers a problem. What this document tells us and tells all the people in Ontario, Minister, is that these 11 deaths could have been prevented, that the thousands of people becoming ill didn't have to happen.

Listen to the words in this memo: "The drinking water coordination committee noted that not monitoring drinking water is a serious concern for the ministry, in view of its mandate to protect public health." It said that the reporting system was obsolete and expressed serious concerns about the ministry's ability to protect public health in regard to drinking water. In January, at least, they were telling you there was a massive problem, and you did nothing.

I'm going to ask you again, Minister, is the reason that you did nothing, the reason your whole government did nothing, because another tax cut for the well-off is more important than making an investment to protect the quality of drinking water for the people of Ontario? Is that the real reason? Is that why you don't have an answer here today?

**Hon Mr Newman:** Again, the leader of the third party has many questions with respect to the tragic incidents at Walkerton. We have questions as well, and that's why

there is a public inquiry. There are three other investigations, whether an investigation through the Ontario Provincial Police or a coroner's inquest or the investigations and enforcement branch of the Ministry of the Environment conducting their investigation. We want to get to the bottom of it so we have answers, so that, once again, we never have a situation like what happened in Walkerton ever again happening in our province.

**Mr Hampton:** Minister, the inquiry is very important; we need to get to the bottom of why this happened. But you need to give some answers to the people of Ontario. You were the minister in charge. You were told by officials in your ministry, in words that are ever so clear, that there was a huge problem. They told you this before 11 people died, they told you this before 2,000 people became ill, and you did absolutely nothing, not a damn thing.

Tell us, if you insist that you want to get to the bottom of this now, please tell us, what did you do when you got this memorandum that warned you that people's lives were at risk, that the quality of drinking water was seriously contaminated, that in community after community they weren't able to do the quality drinking water checks because of your downloading, because of your privatization? What did you do, Minister, to prevent 2,000 people from becoming ill and prevent the deaths of several innocent people? What did you do?

**Hon Mr Newman:** The leader of the third party indicates that the inquiry is important. Those are his words. I absolutely agree with him. That's why the inquiry is going to get to the bottom of what happened in Walkerton. There's also the OPP investigation, the coroner's inquest and the Ministry of the Environment's investigation through the investigations and enforcement branch. We want to get to the bottom of it so we have answers for the people of Walkerton and for the people of Ontario, because we want to ensure that what happened in Walkerton never ever again happens in our province.

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#### ONTARIO CLEAN WATER AGENCY

**Ms Marilyn Churley (Broadview-Greenwood):** To the Minister of the Environment: This morning I got a call from a radio station calling this your government's Watergate. I've got to say to you that if you continue on with this cover-up and denial, it's looking closer and closer to that every day.

I have a very important question and I want an answer today, Minister. We've all known for some time that the Ontario Clean Water Agency was on the list for possible privatization. Yesterday you refused to agree to take it off the auction block. Well, today I received a report that employees at OCWA say they've been told it is up for sale. They say that many staff are already leaving the Toronto head office. We were told negotiations were underway but have been put on hold because of Walkerton. Will you confirm or deny today whether or not OCWA is up for sale?



**Hon Dan Newman (Minister of the Environment):**

First I want to acknowledge the role that the Ontario Clean Water Agency is playing in Walkerton. They're playing a very important role in ensuring that there is safe water provided to the people of Walkerton. Just like, for example, the Liquor Control Board of Ontario, there's no active sale of the property at this time. I can tell you that we want to ensure that all agencies of government are more effective and more efficient, just like the LCBO has become, because that only benefits the taxpayers of our province.

**Ms Churley:** Minister, I just said to you that we heard that negotiations are on hold. So you did not confirm or deny whether or not OCWA is up for sale, and that is the question we ask you today.

I want to come to another issue. Yesterday and on Monday when my leader was in Walkerton, all the people he met said it was more than they could bear to go another six to eight weeks without their water. Today, at a press conference, we learned that before the door-to-door disinfection can even begin you have to tear up schools to get at the pipes, and that two seniors homes, the hospital and the jail all must be hooked up to a separate water supply.

Minister, when I asked you why you refused an offer from Ottawa to send personnel to assist with the effort, you said it wasn't true. Our staff called Ottawa. They said they did make the offer and that the offer is still good. Will you call the federal environment minister today and accept the offer of extra personnel so that the people of Walkerton won't have to wait eight more weeks to be able to turn their taps on?

**Hon Mr Newman:** We've indicated that we'll do whatever it takes to help the people of Walkerton and the needs that they have as a result of this unfortunate situation. As a government, we've accepted our responsibility. We want to get to the bottom of the unfortunate situation that happened in Walkerton to ensure that it never happens again. That's why later today Ministers Marland, Jackson, Palladini and Flaherty, along with Bill Murdoch, the local member, will be in Walkerton to indicate further steps the province will be taking to address the needs of the people of Walkerton.

#### MINISTRY OF THE ENVIRONMENT

**Mr Dalton McGuinty (Leader of the Opposition):**

I'll return to the Minister of the Environment on the same memo. In the same memo prepared by your own staff dated January 2000, they state, "Not monitoring drinking water quality is a serious concern for the ministry in view of its mandate to protect public health." They then go on at great length to warn the minister of the potential dangers connected with the cuts and the downloading and the inability of smaller municipalities in particular to cope with the additional financial burden of having to do their own testing. Minister, what did you do when you received this memo?

**Hon Dan Newman (Minister of the Environment):**

All the events with respect to Walkerton are going to be looked at through a public inquiry, through the Ontario Provincial Police investigation, through the coroner's inquest and through the Ministry of the Environment's investigation and enforcement branch. Neither I nor the Premier have ever attempted to lay blame. We simply tried to answer questions openly and to the best of our ability. The member opposite has many questions; so do we. That's why there are the four investigations underway, including the public inquiry, so we can get to the bottom of this matter.

**Mr McGuinty:** I'll tell you why it's so important.

**Hon Janet Ecker (Minister of Education):** So we should scrap the inquiry?

**Mr McGuinty:** I'll tell the Minister of Education why it's so important here today that we get an answer to this. Because the Premier said, "There is not a shred of evidence that there isn't enough staff nor a shred of evidence that the procedures and the regulations, if they were complied with, would not have prevented this tragedy." That is the Premier's unequivocal, categorical assertion. There is no doubt in his assertion whatsoever. But on the other hand, we have information from the minister's own staff dated January 2000 warning him about the cuts and the downloading and the additional financial burden on smaller municipalities. Minister, when was this memo first brought to your attention?

**Hon Mr Newman:** There are many questions with respect to Walkerton and that's why there is the public inquiry, there is the OPP investigation, and also the coroner's inquest, that are looking at everything with respect to the matters in Walkerton. We want to get to the bottom of it—

*Interjections.*

**The Speaker (Hon Gary Carr):** Minister take his seat. We'll just wait and let the clock run down.

Sorry for the interruption, Minister.

**Hon Mr Newman:** That's why everything, including the procedures and operations of the Ministry of the Environment, is on the table to be examined by that inquiry and the other investigations. We've accepted our responsibility. We want to get to the bottom of the events in Walkerton, this awful tragedy that affected the people of Walkerton.

#### CORRECTIONAL FACILITIES

**Mr Ted Chudleigh (Halton):** My question is for the Minister of Correctional Services. Minister, yesterday in the Hamilton Spectator a reporter stated that the Liberal corrections critic, Dave Levac, believed that "female inmates will be exposed to physical dangers when the ... women's wing is opened at the expanded Maplehurst" corrections complex in my riding because men will be housed there along with the women. In fact, Mr Levac is quoted as saying, "It's like putting the fox in the hen house."

Minister, there is a great concern in my riding as well that women will be exposed to physical violence and that the rehabilitation and treatment programs will be reduced or discontinued. What is your ministry doing, and is there any credibility to these statements?

**Hon Rob Sampson (Minister of Correctional Services):** I'm more than happy to speak to the concerns of the member for Halton and his constituents, as well as the member for Brant. I think both members and constituents from both ridings would know that of course public safety is a top concern of this government. We wouldn't do anything as a result of the restructuring of the correctional services we're going through, the infrastructure changes we're doing, that would jeopardize the public safety. In fact, we would do things that would strengthen public safety. That is indeed what we're doing at Maplehurst, where female and male offenders will be in the same complex but in completely separate institutions as it relates to the functioning of those institutions. Yes, they will share some common services, as they should if you want to have effective and efficient correctional services, but it will be in an institution that will have programming focused to deal with the particular challenges of the female young offenders as well as the other offenders we have in this province who are in that particular institution.

1440

**Mr Chudleigh:** I'd like to thank the Minister of Correctional Services for that response. Minister, I'm aware that the correctional system is in need of improvement. However, some may disagree with your ministry's decision to consolidate programs and services for female offenders in the greater Toronto area. In fact, in that same newspaper article, the Liberal corrections critic continues to say that this government is taking a "step backward" by reverting to a more prison-like facility for women. He also noted that the new federal women's prison in Kitchener was modelled after the ministry's Vanier Centre for Women in Brampton. Minister, is this government taking a backward step by reverting to a more prison-like facility for women?

**Hon Mr Sampson:** To the member for Halton, it's quite clear that this government believes that correctional institutions and jails in general should be places that people don't want to go to.

We understand very correctly and very clearly the Liberal philosophy of jails and prisons. We understand the member for Brant very clearly said "putting foxes in the henhouse." It was the Liberal government in Ottawa that sent two cop-killers to go to the same minimum-security institution in Joliette, Quebec. We stood for the victims of that crime. We stood and we said it was wrong, and they reversed that decision.

We believe that jails should be places that people don't want to go to, male or female—

*Interjections.*

**The Speaker (Hon Gary Carr):** The minister's time is up. New question.

A point of order? Stop the clock for a moment, please.

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Speaker: The Leader of the Opposition and the leader of the third party throughout question period have been referring to a memo prepared for the Minister of the Environment. I wonder if that report could be tabled, because we have no idea what memo that is—

*Interjections.*

**The Speaker:** I'm going to start the clock for your point of order, though. For your point of order, the clock will start.

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: We already know that they have no idea what's going on with this.

**The Speaker:** It's not helpful for points of order that are going to waste time. Members have very important questions. The leader of the official opposition has the floor.

#### MINISTRY OF THE ENVIRONMENT

**Mr Dalton McGuinty (Leader of the Opposition):** I want to return to the Minister of the Environment and the same memo.

*Interjections.*

**The Speaker (Hon Gary Carr):** Stop the clock. Come to order. Sorry for the interruption. Leader of the official opposition.

*Interjection.*

**The Speaker:** Order. I can't call for order and then you yell again. Last warning to the chief government whip. Otherwise, I'll name him. Leader of the official opposition.

**Mr McGuinty:** You know, if there wasn't such a tragic aspect to the Walkerton issue, it would be comical that we have representatives of the government who are now asking for a copy of a staff memo prepared for the Ministry of the Environment.

To return: There's a quote here that is particularly relevant. It says, "Restructuring of public sector laboratory services (which have resulted in a move to private sector lab testing of drinking water) necessitates a review of the protocol for notification of the medical officer of health on discovery of adverse drinking water quality." What your staff were saying at the time was that it was important to place a real responsibility on the private lab testers to notify the ministry when they found contaminated water.

Minister, are you telling us that this memo was not brought to your attention until you read about it in this morning's papers? Is that what you're telling us here today?

**Hon Dan Newman (Minister of the Environment):** There are many questions surrounding the events at Walkerton. That's why there is a public inquiry that will be underway, that's why there's the OPP investigation, that's why there's a coroner's inquest and the Ministry of the Environment's investigations and enforcement branch investigation. That's why everything, including the oper-



ations and procedures of the Ministry of the Environment, is on the table to be examined by that public inquiry and by those other three investigations.

**Mr McGuinty:** Your memo also says, Minister: "A number of smaller municipalities do not comply with the minimum monitoring and reporting requirements.... Cost was cited by these municipalities as the main reason for non-compliance."

The only thing we can conclude over here is that the very first time this memo was brought to your attention was by means of this morning's newspaper, and that scares the heck out of us over here. You have done nothing to take responsibility for what has happened in connection with Walkerton. You have done nothing to take responsibility for making sure that it doesn't happen again in the future. Tell us, when was this memo first brought to your attention?

**Hon Mr Newman:** As a government, we accept our responsibility. We want to get to the bottom of the tragic events that happened in Walkerton.

*Interjections.*

**The Speaker:** Attorney General, come to order. The question has been asked, his own minister is answering, and I can't hear the answer for the government members yelling.

*Interjection.*

**The Speaker:** Member for Beaches-East York, come to order as well, please.

**Hon Mr Newman:** There are indeed many questions about what happened in Walkerton, and all of us want answers. The people of Walkerton want answers and I want answers. That's why there are the investigations underway, the public inquiry, the OPP investigation, the coroner's inquest and the investigations and enforcement branch of my ministry conducting those investigations.

We wanted to ensure that everything, including the operations and procedures of the Ministry of the Environment, is on the table to be examined by that public inquiry and by the other investigations. We have accepted our responsibility. We want to get to the bottom of this terrible tragedy so that something like this never again happens in our province.

### WSIB PREMIUMS

**Mr John O'Toole (Durham):** My question is to the Minister of Labour. Minister, it's a pleasure to have your undivided attention. You would know that small business clearly creates the majority of jobs in not just my riding of Durham but across the province of Ontario. I thank small business for that. But in my constituency, businesses like MP Plastic, Bowmanville Foundry, Humphries Landscape Service, Old Port Marketing—I could go on. It's an impressive list of small businesses that are successful.

Minister, you know how important it is to a thriving economy, but recently, I've been reading articles in the Red Star—the Toronto Star, rather—dealing with changes in the workplace insurance experience rating

system. According to the article, the proposed prospective experience rating model would see employer premiums skyrocket. Clearly, this is unacceptable, Minister. Tell me today it isn't true.

**Interjection:** Tell us it isn't true.

**Hon Chris Stockwell (Minister of Labour):** I'll do my best.

The WSIB is focusing on prevention, illness and injury. One objective is in developing a new plan to provide more financial rewards and incentives to employers for good performance. Along with the rewards comes the risk of greater penalties for poor performance. The idea of the plan is simply this: If it is truly an insurance plan, which everyone seems to admit that it is, then it would seem to me that if you are a truly safe employer and provide a safe working place, follow the rules to the letter and in fact maybe go beyond those, why would it not make sense to say to that employer, "Your premiums should go down"? Now, if you're an unsafe workplace, you're not following the rules, we're always writing orders and you don't have a safe workplace, you get a lot of accidents, why then would it not make sense to tell that employer, "You're premiums are going up?"

These are radical and dramatic thoughts, I know, for the other side, but this is how insurance plans work. That's how we would want to run the WSIB. That's the approach we're taking. That's what we're telling the employers. As far as I can see in that article, the only one in disagreement is the one person who was speaking at the time. From everyone else I've spoken to: good performance, low premiums; bad performance, high premiums—pretty simple.

**Mr O'Toole:** Thank you very much, Minister, for that very commonsense response. Clearly, your willingness to respond to my questions is being demonstrated here today.

People want to know the real facts, Minister. However, you can't trust the Toronto Star, from my experience. The article goes on to mention that Ontario has the highest premium rates in Canada and the unfunded liability still remains very high. Of course, both of these are unacceptable. With the current unjust and unnecessary level of federal government employment insurance premiums—now, there's something we should be talking about—the last thing small business owners need is higher premium rates in Ontario.

Minister, can you shed a little bit of light on the claims this Toronto Star article is making?

**Hon Mr Stockwell:** Let me just say that article's insane.

*Interjections.*

**Hon Mr Stockwell:** It is. We have had a 24% drop in rates in five years. Let me tell you, the rates today are at the same level or lower than pre the 10 lost years. Employers right across the spectrum are getting reductions in their premiums. The unfunded liability is a success story all on its own. There should be a book written about that. The fact is, when we came to office, there was \$11.6 billion in unfunded liability. Today we're looking in the

range of a \$6-billion unfunded liability, on schedule to be retired in 2014—probably ahead of time. I don't know where the research was done for that. That was an unfair story that wasn't reasonable, wasn't factual. In fact, it struck me as one of the questions you'd receive in this House.

1450

#### MINISTRY OF THE ENVIRONMENT

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of the Environment. Minister, this is the memorandum you would have received in January of this year. On the first page, the first bullet point says, "A number of smaller municipalities do not comply with the minimum monitoring and reporting requirements established" for drinking water. On the second page, "Restructuring of public sector laboratory services ... necessitate a review of the protocol for notification of the medical officer of health." Next bullet point: "Propose alternative sampling and monitoring requirements" of drinking water for small municipalities.

Those are the first two pages of this memo. What did you do when you got this? Did you share it with your cabinet colleagues? Did you ask anyone for advice? What did you do when you got a memo which so clearly says there are very serious problems and recommends the measures you need to take? Did you share it with anyone? Did you take any action? What did you do, Minister?

**Hon Dan Newman (Minister of the Environment):** There are a lot of questions with respect to what happened in Walkerton. That's why there are the investigations. There is the public inquiry that will get to the bottom of everything that happened with respect to Walkerton.

I can say to the leader of the third party that any community that has less than 100,000 population would have a test done eight times per month, plus an additional test for every 1,000 population. Those populations that are greater than 100,000 would have 100 tests per month with an additional test per 10,000 population. If any municipality was not in compliance, a field order would be issued to ensure that community was brought back into line.

**Mr Hampton:** We know that one of the big problems at Walkerton was that, despite a number of tests showing there were serious problems with the quality of the drinking water, the medical officer of health was never advised. Your ministry was advised, but the medical officer of health was never advised. This is what this memorandum from your official says. It says that when the drinking water regs were last revised, MOE labs were performing most drinking water analyses for municipalities. Since MOE labs were the first, typically, to know if there was a problem, they let the medical officer of health know, but when you closed down the government labs there was no way for this information to be transferred to the medical officer of health.

They're telling you in this memo that there is no way to get the information from the lab to the medical officer of health. That's what happened at Walkerton. The medical officer of health wasn't told by you or by anyone else, and they're telling you that this should have been thought about and should have been dealt with.

Minister, 11 people have died and they tell you in this memorandum what you needed to do back in January to avoid it. Why didn't you do something, Minister? Why didn't you follow the advice of those officials? Aren't you concerned that 11 people have died, that 2,000 other people are seriously ill and that it could have been prevented? What did you do?

**Hon Mr Newman:** Of course this government has taken responsibility and accepted our responsibility as the government. We want to get to the bottom of the tragedy that happened in Walkerton so that something like this never, ever again happens in our province. That's why there is an inquiry. That's why there are the three investigations, so that we can get answers and get to the bottom of what happened in Walkerton. That's why everything, including the operations and procedures of the Ministry of the Environment, is on the table to be examined with that public inquiry and the other three investigations.

I can tell you that a week ago Monday I announced that we're bringing forward strong regulations with respect to drinking water in this province and I intend to keep that commitment.

**The Speaker (Hon Gary Carr):** New question.

**Mr Dalton McGuinty (Leader of the Opposition):** Back to the Minister of the Environment. Minister, as a cabinet member you would have been briefed this morning about stories arising in today's paper and this memo would have been brought to your attention. I'm sure that at the time you would have asked your ministry officials what had been done in response to this memo. Can you tell us what their answer was? What had been done inside the ministry in response to this memo when it was received in January 2000?

**Hon Mr Newman:** There are indeed many questions with respect to what happened in Walkerton. I know the Leader of the Opposition has questions, and I have questions as well, and all of us want answers. That's why we have an inquiry. That's why there are the three investigations, the OPP investigation, the coroner's inquest and the investigation through the Ministry of the Environment's investigations and enforcement branch, to get to the bottom of everything.

That's why we have the operations and procedures of the ministry on the table to be examined by the public inquiry and by the other three investigations. We want to get to the bottom of this so that something like this never again happens in our province.

**Mr McGuinty:** What we have here is much, much more than incompetence. This is negligence writ large. This minister, this government have ignored warnings from the Provincial Auditor, from the Environmental Commissioner and from their own ministry staff. They have attempted to lay the blame on everything from



human error to the people of Walkerton themselves. Now this minister persists in telling us that he knows nothing about a memo prepared by his own staff. The only thing we can conclude is that he does in fact know about this memo and that once more he has ignored another warning. He's ignoring today the most powerful warning and the most terrible warning of all: death and funerals.

Minister, why is it that, continually, you ignore so many warnings that point to so much impending disaster and why, in particular, did you ignore this warning that came from your own staff which told us of such terrible potential and danger as a result of actions that took place inside your ministry?

**Hon Mr Newman:** Neither the Premier nor I have attempted to deny or to lay blame with respect to Walkerton. There are many questions that need answers. That's why there's the public inquiry and the three other investigations underway in our province: the OPP investigation, the coroner's inquest and the Ministry of the Environment's investigation through the investigations and enforcement branch. Everything is on the table, including the operations and procedures of the Ministry of the Environment, to be examined by that public inquiry and by any other investigation that may take place.

We're doing everything we possibly can as a government to get to the bottom of this so that something like this never happens again in our province.

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#### IMMIGRATION AND REFUGEE POLICY

**Ms Marilyn Mushinski (Scarborough Centre):** My question is for the Minister of Citizenship, Culture and Recreation. I know you will agree with me when I say that Ontario is blessed with the distinction of welcoming well over half of Canada's immigrants to our province every year. We know that our immigrants contribute greatly to our economy and to our culture, and also help make this province perhaps the best place in North America in which to live.

Minister, as you know, in my riding of Scarborough Centre we have many new immigrants arrive on a regular basis every year and it's been suggested that this province still does not receive its fair share of funding from the federal Liberal government in Ottawa when it comes to helping these immigrants to settle. I'm wondering if you could inform this House today what progress we've been able to make in this particular area.

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** I'd like to thank my colleague the member for Scarborough Centre for her question. It's a good question and it's on the minds of a number of people across the province and, of course, across Canada. The province of Ontario and the people of Ontario value the major contribution that immigrants make to Ontario. They make it the great place it is.

Let me tell you that even though the province is putting \$4 million into nearly 100 newcomer settlement

programs that work with immigrants to ensure that they settle quickly in this province, the province only receives 40% of the dollars that are spent on immigration across this country, when we receive 55% of the immigrants that come. Yes, of course, we need to work with the federal government because we need more dollars. The more dollars we have, the faster we can have these wonderful immigrants settle in our communities, the faster we can ensure that they're working, that they have opportunities, that their children are in school. We continue to lobby the federal government to make sure that Ontario receives its fair share of the dollars—

**The Speaker (Hon Gary Carr):** The minister's time is up. Supplementary.

**Ms Mushinski:** It should come as no surprise that Ontario's Liberal caucus in Ottawa has once again failed in their duties to promote the interests of their constituents, I would say especially in my riding. I also understand that the federal government is considering changes in the immigration legislation for this country.

I'm wondering, Minister, if you could tell us what assurances you have received, if any, that these changes will address federal mismanagement of the refugee system that costs our province millions of dollars every year and threatens the safety of our citizens.

**Hon Mrs Johns:** There's no question that Ontario is not receiving its fair share. We want to ensure that immigrants come to Ontario. We need these dollars. As you know, the minister responsible for immigration was a Liberal member in this House from Ontario. I certainly hope she will remember how she felt, when she was sitting in a ministry such as this, when Ontario didn't get the fair share of the dollars that it required.

The federal auditor noted that the department of immigration is susceptible, vulnerable, to fraud and abuse. We have to make sure we continue to work to get the dollars that we need to make sure our immigrants are served. Every dollar that we receive goes into new immigrant programs. As I said earlier, we're spending \$4 million on nearly 100 newcomer settlement agencies in this province to make sure that we're settling—

**The Speaker:** I'm afraid the minister's time is up.

#### MINISTRY OF THE ENVIRONMENT

**Mr Dalton McGuinty (Leader of the Opposition):** Minister of the Environment, this morning when you reviewed this memo with your staff and you heard about its powerful call for immediate action, what steps did you then take? What decisions have you made effective this morning in order to heed the call for action that is found inside this memo?

**Hon Dan Newman (Minister of the Environment):** There are many questions with respect to what happened in Walkerton. The Leader of the Opposition has questions. I have questions. I believe all members in this House have questions as to the tragic events at Walkerton. That's why there is a public inquiry that has been called. There are three other investigations— the Ontario

Provincial Police investigation, the investigation through the coroner's inquest, and also through the Ministry of the Environment's investigations and enforcement branch—that are looking at all of the issues with respect to this tragic incident.

Everything is on the table, including the procedures and operations of the Ministry of the Environment, to be examined by that public inquiry and by the other three investigations that are underway.

**Mr McGuinty:** Minister, it is bad enough to sit on this memo for five months. It is bad enough for you to claim today that you weren't aware of the memo or its contents until this morning. But now that it was brought to your attention this morning, and now that you understand the gravity of the information found inside it, now that you understand that it is an important call for action because of the danger that so many smaller municipalities in particular find themselves in, now that all of that is inside your head, Minister, what specific decisions did you take this morning in response to this memo to protect drinking water in Ontario?

**Hon Mr Newman:** Again, there are many questions. The Leader of the Opposition has questions with respect to Walkerton. Everyone has questions with respect to Walkerton. I can tell you that municipalities in our province have a responsibility to test water. Those with populations of under 100,000 must have eight tests per month, plus an additional test per 1,000 population. Those municipalities or those areas with populations of greater than 100,000 have 100 tests per month, plus an additional test for every 10,000 population. For any municipality or public utility that is not in compliance, that is not testing to those levels, field orders are issued by the ministry to bring those municipalities into compliance.

#### WORKFARE

**Mrs Tina R. Molinari (Thornhill):** My question is for the Minister of Community and Social Services. During the last election there was a lot of commentary by skeptics who didn't believe we could achieve a lot of the commitments we had made. My question to you is specific on our government's pledge to double our targets for workfare participation. The media, our critics believed that our government couldn't make workfare work. In fact, they didn't want it to work.

Our promise to get more people working for their welfare cheques was important to the constituents of Thornhill in my riding. All Ontarians wanted to help people move from welfare to work. This is one of the promises we made in the last election, and it's one of the reasons our electorate voted this government back into office for a second term.

Minister, can you tell me what progress you have made on our Blueprint promises to double our targets for workfare participation?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** Ontario Works, this government's mandatory

work-for-welfare program, is really an essential part of our plan to help get people off the bench and back into the game and to get them some supports to move to paid employment. Whether people are working towards their high school equivalency, working at certificates to be able to operate a forklift, whether they're working at a job search, whether they're working through a private or a public sector placement, it can be an important support.

I'm pleased to tell the member opposite that this past year this government actually delivered on meeting our target. We were able to double, over the last 12 months, the number of people getting some valuable experience as part of an Ontario Works placement. We do so because we believe—someone said this, and I think it was particularly good: "I think there is absolutely nothing wrong with placing responsibility on a welfare recipient to be involved in some kind of job placement. There is nothing wrong with that." Do you know who said that? Dalton McGuinty.

#### *Interjections.*

**Mrs Molinari:** Thank you for the response, Minister. Although I had a difficult time hearing the response because of all the noise in the Legislature, I tried to listen.

**The Speaker (Hon Gary Carr):** Stop the clock. We're getting down to the last question for the NDP, and we are going to get to that, so if you yell, we are going to stop the clock. We can take two hours to do it if you want; we're going to get down there. I quite frankly say to the member that the reason she can't hear is because her own members are yelling.

**Mrs Molinari:** Thank you, Mr Speaker. I couldn't hear the answer to the question because I believe it was the opposition members who don't want to hear the answers to the questions. They obviously have trouble with the correct answers to the questions asked in this House.

Minister, I know the government's welfare reforms have been very successful, because in York region, where my riding of Thornhill is, they have created over 1,480 placements. That equates to over 185% above their target. Of course, getting people into workfare placements is the first step. The second step is moving people off of welfare. Minister, can you tell me what areas, other than Thornhill and York region, have been successful in creating placements?

**Hon Mr Baird:** The honourable member should be very proud of the opportunities that people in York region have been giving to people who are desperately looking for work and who need the skills and the experience and the job reference and stuff to put down on their next job application. I want to congratulate them.

We believe in work for welfare and getting placements. The member from York region will be interested to learn that we're not the only ones, because in 1995 the red book said, "Work experience activities can give people a chance to upgrade their skills, gain experience that will help in a job search, and interact with a wide variety of people." It was in the Liberal red book and we agree.



But York region isn't the only one that's doing a great job. Bruce, which my colleague Helen Johns represents, is number one, 493%, and I want to congratulate—

**The Speaker:** Order. The member's time is up.

1510

#### MINISTRY OF THE ENVIRONMENT

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of the Environment. I want to read three of the recommendations from this memo. The first says, "The sampling requirements for chlorine residual testing in distribution systems be clarified and enhanced as set out above." It deals specifically with what happened at Walkerton.

Another says, "The owner of the water works will immediately notify the medical officer of health if adverse water quality is discovered as set out in" the regs. It deals very clearly with exactly what happened at Walkerton.

Minister, when you received this memo, did you discuss it with your deputy minister? Did you discuss it with any other member of cabinet?

**Hon Dan Newman (Minister of the Environment):** There are many things to look at with respect to the tragic events at Walkerton and that's why there is a public inquiry. That's how the member opposite will get answers; that's how I'm going to get answers. We want to ensure that something like this never again happens in our province. That's why everything, including the operation and procedures of the Ministry of the Environment, is on the table for that investigation, to go through the public inquiry as well as the other investigations. As a government, we've taken responsibility and we want to get to the bottom of this terrible tragedy so that it never again happens in our province.

**Mr Hampton:** This is so unbelievable. The recommendations in this memorandum—the very clear recommendations—would have ensured that Walkerton didn't happen. It is almost as if somebody was clairvoyant, could see what was going to happen at Walkerton and gave you the recommendations before that tragedy ever happened. You have an obligation to those people up there to give an answer. This is nothing more than a cover-up. What did you do? Did you talk to the deputy minister? Did you talk to any other cabinet minister? What did you do when somebody gave you a memorandum that would have prevented the deaths of 11 people and the illnesses of 2,000 others? What did you do?

**Hon Mr Newman:** That's one of the very reasons why there is a public inquiry: so we can get to the bottom of what happened Walkerton. That's why everything, including the operations and procedures of the Ministry of the Environment, is to be on the table, to be examined by that public inquiry and by the other three investigations.

#### PETITIONS

##### SUPPORT PROGRAM

**Mr Tony Ruprecht (Davenport):** Mr Speaker, I have a petition here from the residents of my riding of Davenport and I'm telling you ahead of time that I will sign it as well because I agree with this 100%. It's a petition to the Legislature and it reads as follows:

"Whereas Ontario disability support plan recipients have not had an increase in their benefits for 10 years; and

"Whereas the cost of living has been constantly increasing in the past 10 years; and

"Whereas Premier Mike Harris and his government should realize that the cost of basic essential services has been on a continual rise. To have a basic telephone line 10 years ago was only approximately \$12 a month; today it's \$20 a month; and

"Whereas it is not acceptable for ODSP recipients to be forced to live below the standard of living because they are assessed disabled and unable to work,

"Therefore we, the undersigned, request Premier Mike Harris and his government to immediately increase the Ontario disability support plan benefits."

Thank you, Mr Speaker, for giving me this opportunity.

##### EDUCATION LEGISLATION

**Mr Peter Kormos (Niagara Centre):** I've got a petition.

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

That's signed by Patricia Todd from Thorold and hundreds of other people from the Niagara region.

## HIGHWAY SAFETY

**Mr Carl DeFaria (Mississauga East):** I have a petition to the Legislative Assembly of Ontario.

"Whereas 13 people died during the first seven months of 1999 on Highway 401 between London and Windsor; and

"Whereas traffic levels on all sections of Highway 401 continue to increase; and

"Whereas Canada's number one trade and travel route was designed in the 1950s for fewer vehicles and lighter traffic; and

"Whereas road funding is almost completely paid through vehicle permit and driving licence fees; and

"Whereas Ontario road users pay 28 cents per litre of tax on gasoline, adding up to over \$2.7 billion in provincial gas taxes and over \$2.3 billion in federal gas taxes;

"We, the undersigned members of the Canadian Automobile Association and other residents of Ontario, respectfully request the Legislative Assembly of Ontario to immediately upgrade Highway 401 to at least a six-lane highway with full paved shoulders and rumble strips; and

"We, therefore, request that the Legislative Assembly of Ontario place firm pressure on the federal government to invest its gasoline tax revenue in road safety improvements in Ontario."

## OAK RIDGES MORaine

**Mr Steve Peters (Elgin-Middlesex-London):** I have a petition to save the Oak Ridges moraine for future generations by passing Bill 12.

"To the Legislative Assembly of Ontario:

"Whereas the Oak Ridges moraine is the rain barrel of southern Ontario and the headwaters for over 65 rivers and streams, from Cobourg to Caledon; and

"Whereas the Oak Ridges moraine is threatened by uncontrolled development that is destroying precious natural wetlands, forests, groundwater and wildlife; and

"Whereas 465 world-renowned scientists, local residents and naturalists all support an immediate development freeze and the implementation of a comprehensive protection plan for the moraine; and

"Whereas only the province has the power to coordinate planning over a wide area of nine regions and 26 municipalities and the province must act quickly; and

"Whereas every month new developments are being approved that will destroy the environmental integrity of the moraine;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the provincial government immediately freeze development on the Oak Ridges moraine and pass Bill 12, the Oak Ridges Moraine Protection and Preservation Act, so that there will be a comprehensive plan to protect and preserve the moraine for future generations."

## CORRECTIONAL FACILITIES

**Mr Peter Kormos (Niagara Centre):** I've got a petition addressed to the Legislative Assembly of Ontario.

"Whereas the government of Ontario is actively pursuing private sector operators to run Ontario's correctional facilities, including adult, strict-discipline boot camps, three megajails and five young offender facilities;

"Whereas findings show there is no cost savings to the taxpayer of Ontario;

"Whereas public safety will be greatly jeopardized in our communities;

"Therefore, be it resolved that the government of Ontario abandon all plans to privatize any aspects of the province's correctional system."

That is signed by literally thousands of people. I place this with you, Speaker.

## OAK RIDGES MORaine

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Oak Ridges moraine is a glacial ridge running across the top of Toronto including Caledon, King, Aurora, East Gwillimbury, Whitchurch-Stouffville, Uxbridge, Pickering, Scugog, Whitby, Oshawa and Clarington; and

"Whereas the Oak Ridges moraine is the headwater for about 35 rivers and streams flowing south to Lake Ontario and north to Lake Simcoe; and

"Whereas the drinking water for millions of GTA residents, the wetlands, wildlife and natural areas will suffer irreparable damage if industrial, commercial and/or residential development is permitted without protective planning for preservation;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything in its power to ensure the Oak Ridges moraine remains zoned as agricultural and rural;

"Work with the Ontario Municipal Board to ensure conservation of the Oak Ridges moraine; and

"Provide a policy statement to enshrine its position."

I'm pleased to join with my great colleague from Durham, Mr O'Toole, in signing this petition.

1520

## EDUCATION LEGISLATION

**Mr John Gerretsen (Kingston and the Islands):** I have a petition which is addressed to the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;



"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education; and

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination; and

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I'm in agreement with this. I've signed it and I'm handing it over to Mark now.

Before sitting down, I might just indicate that tonight we're holding public hearings on Bill 74 in the North Fredericksburgh township hall, just south of Napanee. We invite all the public to attend there.

**Mr Peter Kormos (Niagara Centre):** I present a petition on behalf of my colleague, Rosario Marchese, representing the riding of Trinity-Spadina.

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers"—we call informers "rats"—"and absolute powers for the Minister of Education; and

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

This is signed by thousands of people. I give it to the page Alex, from Haldimand-Norfolk, who'll deliver it to the clerks' table now.

#### ABORTION

**Mr John O'Toole (Durham):** I'm presenting thousands of petitions that I've received on this issue and I'm reading it on behalf of Christine Closs, Mary Hood, Jennifer Potts and Penny Manion, for instance.

"To the Parliament of Ontario:

"Whereas we have recently learned that our tax money is being used to pay the rent on the Morgentaler abortuary;

"Whereas by the end of his lease this amount will be \$5 million;

"Whereas we strongly object to this use of our tax dollars;

"We, the undersigned, petition the Parliament of Ontario to immediately cease these payments."

I'm pleased to sign my name and support this petition.

#### EDUCATION LEGISLATION

**The Acting Speaker (Mr Tony Martin):** Further petitions; the member for Dovercourt.

**Mr Tony Ruprecht (Davenport):** It's Davenport, Mr Speaker.

**The Acting Speaker:** Davenport. It used to be Dovercourt, right?

**Mr Ruprecht:** No, it's not Dovercourt, it's Davenport.

**Mr Ruprecht:** I have a petition that has been signed by a number of people from my riding of Davenport and also a number of people from around the city of Toronto and other ridings. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

Since I agree with this petition wholeheartedly, I sign my name to it as well.

#### BRONTE CREEK PROVINCIAL PARK

**Mr Ted Arnott (Waterloo-Wellington):** My petition is to the Legislative Assembly of Ontario, and I'm presenting this on behalf of my good friend the member for Oakville, who, Mr Speaker, as you know, is unable to present petitions himself.

"With respect to proposed current and future development of Bronte Creek Provincial Park as outlined in the Bronte Creek management plan dated March 27, 1998, we, the undersigned, petition the Legislative Assembly as follows:

"That the planning and development of the eastern portion of Bronte Creek Provincial Park that calls for

establishment and construction of 400 campsites be terminated immediately;

"That any current and future development planned for Bronte Creek Provincial Park be strictly limited to the western portion of the park where an infrastructure already exists;

"That the eastern portion of the park and the Bronte Creek Valley be protected from any and all future development of any kind whatsoever and be maintained in posterity as a wholly natural parcel of land."

This petition is signed by some 6,000 people from the riding of Oakville.

### OAK RIDGES MORaine

**Mr John O'Toole (Durham):** Thank you, Mr Speaker. I thought the time would never arrive, but it has. I'm presenting this on behalf of the constituents of Durham, of course, and I usually like to read out their names: Art Evans, Annis, Bant, and Mr Harford.

"To the Legislative Assembly of Ontario:

"Whereas the Oak Ridges moraine is a glacial ridge running across the top of Toronto, including Caledon, King, Aurora, East Gwillimbury, Whitchurch Stouffville, Uxbridge, Pickering, Scugog, Whitby, Oshawa and Clarington;

"Whereas the Oak Ridges moraine is the headwater for about 35 rivers and streams flowing south to Lake Ontario and north to Lake Simcoe;

"Whereas the drinking water for millions of GTA residents, the wetlands, wildlife and natural areas will suffer irreparable damage if industrial, commercial and/or residential development is permitted without protective planning for preservation,

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything in its power to ensure the Oak Ridges moraine remains zoned as agricultural and rural;

"Work with the Ontario Municipal Board to ensure conservation in the Oak Ridges moraine continues; and

"Provide a policy statement to enshrine its position."

It just so happens that's the end of petition time.

1530

### ORDERS OF THE DAY

#### SAFE SCHOOLS ACT, 2000

#### LOI DE 2000 SUR LA SÉCURITÉ DANS LES ÉCOLES

Resuming the debate adjourned on June 7, 2000, on the motion for second reading of Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act / Projet de loi 81, Loi visant à accroître le respect et le sens des responsabilités, à fixer

des normes pour garantir la sécurité des conditions d'apprentissage et d'enseignement dans les écoles et à modifier la Loi sur la profession enseignante.

**The Acting Speaker (Mr Tony Martin):** We'll go to questions and comments.

**Mr Peter Kormos (Niagara Centre):** The member for Kingston and the Islands last spoke to this and I'm pleased to follow him. I will be speaking to Bill 81 in approximately 10 minutes, although my time will be restricted to a mere 20 minutes. That's what the rule changes have done: They've restricted the right, quite frankly, and the obligation of members of this Legislature to participate in these debates and to speak out on behalf of their constituents, to speak out with the views they hold on these issues and to explain why it is they're voting the way they are—unless they don't want to explain that they're voting the way they're voting merely because they're being whipped.

*Interjection.*

**Mr Kormos:** Please, Mr Tascona, the clock's doing fine. Don't point fingers. There you go. I got a little break there. I got a little 30 seconds thrown into the hopper, and I can use every nanosecond of it, let me tell you.

I will be speaking to this bill in 10 minutes, after it has gone through its rotation of questions and comments and after Mr Gerretsen has had a chance to reply.

This bill is another one of those phony, pathetic pieces of legislation, very similar, quite frankly—think about this—to the Parental Responsibility Act, because it doesn't do much to change the status quo, yet it paints a picture out there of violent young people, it paints a picture of schools that have fallen to rot and decay. Schools have, in some respects, fallen to rot and decay, because this government has undermined them; this government has attacked them at the very foundation. It has been bashing and attacking teachers and students during the course of the five years that it has been in power here in the province of Ontario. The students know it; the teachers know it; the members of this Legislature know it. Unfortunately, it's left to the opposition to speak to it, because government members are like Mao's little soldiers with their little red book—

*Interjection:* Trained seals.

**Mr Kormos:** Trained seals, the little Maoist fanatics who want to read the quotations of Chairman Mike and who don't want to talk to real people out there and speak in this Legislature about the reality of real people.

I'm going to be talking about two things during the course of my discussions around Bill 81: I'm going to be talking about a young student, Scott McKay, from E.L. Crossley Secondary School, who, I tell you, is far more representative of the young people of this province than this government would have us believe. I'm also going to be talking about the young people of the 128th squadron of the Royal Canadian Air Cadets who are being evicted from their home at Thorold high school because of you, Mr Harris, and your colleagues.



**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to respond to the comments by the member for Kingston and the Islands. He always provides some very interesting comments with respect to his interpretation of what legislation is about and also what it's intended to do. This legislation deals with enhancing safe school zones in terms of what we had already implemented through Bill 26, the community safety zones. That is directly relevant to what we're trying to accomplish.

Safe school teams—certainly that has already been dealt with under the legislation because we're requiring school boards to review their policies and guidelines re codes of conduct and safe schools, and when doing so, they must seek the views of students, teachers, staff, volunteers working in schools, parents and guardians, school councils and the public. The Safe Schools Act requires the principal of a school to involve school councils when developing or revising school codes of conduct and the schools' safety policies.

There's a tremendous role for the parents, councils, teachers and students to get involved in bringing together a safe environment. I've said before that we need a safe environment for students to learn and for teachers to teach. That's fundamental to what makes an education system work. What we're trying to do through this bill is make sure that those standards are in place across the province, that they are transparent and clearly understood, and the groups that will make it work, which are set out in the act, have a role.

**Mr George Smitherman (Toronto Centre-Rosedale):** It's a great pleasure for me to have an opportunity to offer a comment on the fine speech given by the member for Kingston and the Islands yesterday. In considering his comments, which I would recommend to all members of this House and those watching at home, I'm reminded that that member works diligently on behalf of many fine people, including two who are good friends of mine, Andrew and Matthew, who go to the elementary school in Marysville on Wolf Island. I think we need to remind ourselves that's what this bill is about. It's about kids. But once again, we see on behalf of this government an effort to mask the very reality of their policies.

The reality of their policies is cuts. That's at the heart of what this government has done with respect to education: A system designed to provide for those on an equal basis across the breadth of the province has, in fact, led to the deterioration of classroom education in Ontario. That's what we work against every day. This Bill 81 is designed merely to focus attention on a punitive piece without dealing with any of the elements that would provide efforts and energy and resources to work towards really dealing in a meaningful way with the challenge of having safe schools.

We see, as is often the case from this government, only the focus on the punitive. But in fact, if we look at the reality, school boards already had these procedures in place. We talk about the need for additional prevention

and such; there's nothing in here for that. I would say to the members opposite, who will no doubt follow the lead of Dr Laura of the north, the Minister of Education, who's got all the answers on this that I recommend them to the speech yesterday by the member from Kingston and the Islands. It was a fine speech. He finely serves his constituents, and the members opposite would be well served by reading it.

**Mr John O'Toole (Durham):** Since we are replying to the member from Kingston and the Islands, it is important to recognize that he was saying earlier that he's having a public hearing tonight. I can tell you, I've had several public hearings on the issue of education quality. With respect to this one, Principal Mandryk, in one of our senior elementary schools, convened a meeting and we had parents, students and citizens at large. I would say it was a very respectful gathering of people who are commonly concerned, not politics that you might hear in this place, even from me, although I try to be neutral on this issue. The common concern—it has been since 1994—was to ensure that schools are safe for our children and for the teachers in those facilities. Everyone has a right to feel safe in our schools. Indeed, you might say that could be extended in a broader sense to our communities at large.

Mr Speaker, what I'm trying to say here is it does start with respect. Respect for one another is really at the very heart of Bill 81. You might say, "How does it apply to this House?" The decorum that you and other Speakers sometimes rule on is the model that we present to our children, to the young people of this province and indeed this country. I can tell you that it starts here and it starts with the leadership of the province, it starts with our Premier, and it starts with our minister, Janet Ecker.

There will be those who criticize and scorn the importance of having safe schools, but I can assure you that's the intention, and I will be speaking on it later this afternoon and making it clearer to the people of Ontario that it's the right thing to do.

**The Acting Speaker:** Response.

**Mr John Gerretsen (Kingston and the Islands):** First of all, I'd like to remind the members, of course, that in my 20-minute speech yesterday, I was joined by the member from Glengarry-Prescott-Russell and the member from Ottawa-Vanier. I would like to thank all the members who spoke in reply: the member for Niagara Centre, Barrie-Simcoe-Bradford, Toronto Centre-Rosedale, and Durham.

I would just like to pick up on something the last member mentioned, and that's respect. I totally agree with him that what we're talking about is respect, respect of everyone involved in the teaching of our young people. The respect, first of all, has to start with respect for the teachers.

**1540**

If there's one thing this government has shown in its various activities over the last five years, it's that it has no respect for teachers. It has no respect for teaching federations. How can we expect that the teachers have

the high morale that is necessary, the high motivation that is necessary, to teach our youngsters in the best possible way when they've been dealt with by a government that has constantly beaten up on them time and time again?

We're all in favour of safe schools, but what we're saying on this side is that everything you've got in this bill already exists within the powers that school boards and principals in high schools and elementary schools have.

Finally, in the last 30 seconds, I just remind all those people who live in southeastern Ontario, from Kingston to Belleville to Napanee and all places in between and to the north of that, that tonight, starting at 7 o'clock, we will be holding public hearings on Bill 74 to allow the public an opportunity to respond, because this government has seen fit to only give one and a half days to public hearings on that bill. We will be there from 7 to 9 tonight and from 1 to 4 tomorrow afternoon, and we invite all the members of the public, whether you're pro or con Bill 74, to come to the Fredericksburgh township hall and join us there for a free and open public debate on Bill 74.

**The Acting Speaker:** Further debate?

**Mr Kormos:** As I indicated a few minutes ago, I have but 20 minutes to speak to this. That, I submit, is a gross imposition on my right and indeed responsibilities as a member of this Legislature to participate in the canvass of policies and legislation that purport to make their way through here. I'll do my best within that context.

Two things here. One is the attempt, in the style of former Minister of Education Snobelen, to create a crisis where one doesn't exist. It's a pattern that's been consistent through the five years of Tory government here in the province of Ontario. Even as recently as last night on the Michael Coren show, from 10 pm to 11:30 pm on cable 9 here in Toronto—the reception is very poor in Toronto; a pox on Rogers Cable for fouling up the reception here in the city of Toronto, but down in Niagara it's cable 18—a Tory backbencher, in the context of Bill 81, said, "Oh, what about the massacre at Columbine?" He made reference to one of their great American disasters, you know, these tragic shootings of kids by kids in their high schools. I don't mind the reference, because are any of us immune to that? Of course not. Let's not be stupid or naive. But the fact is it's pretty inflammatory stuff to try to justify legislation that, but for one section, does for all intents and purposes nothing to change the status quo.

The only thing I can see in that legislation that makes any fundamental change to the status quo is empowering teachers to suspend instead of requiring that they refer a student who breaches the rules to the principal. I quite frankly am not sure teachers want that role, and I think this government has an obligation, a responsibility, a duty. It doesn't give a tinker's damn about obligation, responsibility or duty to the public, but I think it has a responsibility. Let's put this bill up for committee, because I'd like to hear from teachers as to whether this

gesture of saying, "We'll give the teachers the power to suspend instead of requiring the teacher to refer the matter to"—mind you, the role of the principal has been seriously undermined in the school as well as a result of this government's attack on public education here in Ontario.

Students are being suspended and, yes, expelled every day. Boards of education across this province have codes of conduct in effect, and over the course of the last decade they've become very rigid codes and zero-tolerance type codes, and the behaviour that the government speaks about in terms of illustrating that misconduct which carries with it, let's say, the minimum sentence, is behaviour which, in almost every illustration one could provide, is in and of itself criminal. So this Bill 81 is a lot of hullabaloo.

The fact is that everything it talks about is in effect across the province. The singing of O Canada: These people went to some schools—I remember the last Tory member who tried to go to a high school. Remember Mr Young? He was quickly escorted from the property. The principal of the school said, "Please, go away." He wasn't welcome there. He was considered somehow inappropriate.

*Interjection.*

**Mr Kormos:** Well, that's what happened.

If this government's backbenchers would go to some of these schools to talk to the teachers and face them face-to-face—of course we know that government members don't want to do that—and talk to the students and be there at opening time, they'd understand that schools are playing O Canada across this province. There's nothing wrong with young people, with anybody, singing O Canada. Of course not. But please, there's nothing novel about this bill in terms of stating that it's going to require the singing of O Canada.

We should sing it more often. Schools should be disrupted throughout the day by classrooms and whole student bodies spontaneously breaking into O Canada, first and second verse. The second verse is the most interesting, and it's one to which I do not know the words by heart, if you will. The second verse I find far more lyrical than the first verse of O Canada. But yes, let students sing. Let them sing O Canada. Let them sing it at lunch break. Let them sing it in the hallways. Let them sing it in the gymnasiums. Let them sing O Canada in their classrooms as solos, as duets, as trios, as barbershop quartets, as whole choirs. They should sing it as often as they can and as often as they want to and in both official languages.

But please, no matter how many times kids sing O Canada it isn't going to change what this government has done to public education in this province. It isn't going to restore the junior kindergartens. It isn't going to put the special ed teachers back into those classrooms. It isn't going to put the guidance counsellors back. It isn't going to open the locked library doors. It isn't going to put books on the bookshelves. It isn't going to put teachers in the classrooms. It isn't going to provide schools with



those basic resources that schools need if teachers are going to have the tools they ought to have to teach our kids.

I talk to teachers almost every day now, and teacher after teacher after teacher, as well as parents of kids in school, tell me about teachers who are buying out of their own pockets what used to be basic classroom tools, be it erasers or pencils or construction paper for little kids or pots of glue. I go to classrooms and I remark on some of the projects that teachers are doing with their students and discover that that teacher went to the Wal-Mart or whatever it is to buy the materials for that class project: 50, 100, 200 bucks at a time out of their own pockets.

Restore some of those programs that were very critical to the student in the elementary or, perhaps more frequently, high school, those programs which may not have been part of the mainstream curriculum but those programs which captured the interest and attention of the student whose strongest forte may not have been academics, so we can restore the retention rate, which had grown to an admirably high level.

I say to this government, don't try to suggest that somehow out there among our young people there's some sort rot and decay that's pervasive. There are difficulties out there. I say you are the author of those difficulties, Mr Harris. Don't blame your victims. I told you, yesterday morning the Pelham Rotary Club had their breakfast meeting. As guests they had the South St Catharines Rotary Club. I was pleased to join them at the Shorthill's Villa just north of Keith's Restaurant in downtown Pelham. I met a remarkable young man there, a student at E.L. Crossley Secondary School. He received the Rotary Volunteer of the Month Award: Scott McKay, a grade 10 student, student council rep for his grade 10 class. When they listed his achievements, his accomplishments, I thought, my goodness, I've been invited to the Rotary Club to speak to them. I stood up and I said: "I'm prepared to relinquish to Mr McKay. This young man, with his vast experience at his youthful age, has got a whole lot he should be telling us."

1550

You see, I know students like Scott McKay, I know the students at E.L. Crossley and Welland's Eastdale and Centennial and Thorold secondary. I know their families. These are bright, hard-working, capable kids, whose fear of not being able to go to college or university is growing on a daily basis, not because they don't have the potential or the capacity or the skill or the desire, but because this government's persistence at ratcheting up tuition increases has made it impossible for all but the richest of young people to go to post-secondary education without accumulating horrendous and crippling debt.

You people want to vilify the Scott McKays of Ontario. I want to tell you, and I tell you, that although he is exceptional in his class, he is still very much illustrative of his peers, young people who quite frankly could teach this government a whole lot if only this government were to listen to them.

I pointed out earlier today how ironic it was that the Harris government and Ms Ecker would want to impose some sort of code of conduct which in fact already exists in every board of education in the province, when at the same time it served the eviction notice down in Thorold on the 128 Thorold Flying Dragons Royal Canadian Air Cadet Squadron. It's given them their eviction notice as of July 1—a 58-year history that squadron has with Thorold Secondary School. Thorold Secondary School has been its host since the inception in 1942. Scores of young women and men every year since 1942 have been participating in that air cadet squadron. They've become leaders in our community and leaders in our province and leaders in our country. Two nights a week these young women and men meet at Thorold Secondary School, as they have for 58 years, to participate in their training as air cadets, to acquire those leadership skills, to expand their knowledge base and learn how to work together with their peers as a team and become eligible for incredible summer programs, be it flight school and air glide school and all sorts of programs across the province provided by the ministry of defence. And scores of volunteers work with these young people.

This government, Mike Harris and Janet Ecker, have served an eviction notice on the 128th air cadet squadron of Thorold. For 58 years the school has hosted them, and it's the ideal location. That air cadet squadron is part of the history and tradition of the school and is as much a part of the school as any other facet of what goes on there. Indeed—catch this one, Ms Ecker, you who want to impose involuntary voluntary participation by teachers—it involves, among other things, a number of teachers as volunteer instructors etc. So after 58 years, squadron 128 finds itself getting the bum's rush from Mike Harris.

I'll explain to you what happened. The fact is, notwithstanding that the school has hosted them for almost six decades now, the Niagara district board of education is compelled to charge them almost \$12,000 a year rent. Their total budget is just shy of \$9,000 a year. Heck, they built their headquarters and their training rooms in the school back in 1986. They built it themselves. They're using the school when otherwise it would sit vacant. They're using it in the evenings and from time to time, somewhat rarely, on weekends. They can't afford \$1,000 a month rent. Do you get it?

This government talks about codes of conduct, yet it wants to throw these young people out on to the street. And Don Reilly, chair of the Niagara District School Board, said that the board's hands are tied. Mr Reilly said that the Ministry of Education has reduced payments for school maintenance and, in so doing, took away the board's ability to give away for free, that is to say, to host the young women and men of the 128 Thorold Flying Dragons Squadron of the Royal Canadian Air Cadets.

Those types of activities, the air cadet, the army cadet and sea cadet programs, the scouting and guide movements in every community of this province, big city and small, any number of recreational and athletic activities,

all of them have been whacked by this government as a result of, on the municipal level, the imposition of downloading and more and more user fees being imposed by those municipalities. The utilization of arenas for youngsters wanting to play hockey has become more and more expensive as municipalities are forced to impose more and more user fees as a result of this government's downloading on to them. The community halls that were used by so many guide and scout groups now carry with them user fees, the result of this government's downloading on to municipalities like Welland, like Thorold, like Pelham, like St Catharines.

This government has shown no shame about the fact that it could well be interrupting the incredible history of the 128th squadron in Thorold, terminating it. People in Thorold are going to look for alternative accommodations, and I have no doubt that when push comes to shove, there'll be some sort of alternative accommodation. But will it have the huge parade ground that they've had for 58 years at Thorold Secondary School? I suggest to you not. Will it have the indoor gymnasium that these young people can use for their parade and other activities in wintertime? I suggest to you not. Will it have that training area and administrative area that this squadron built with its own money and its own volunteer work back in 1986? I suggest to you not.

And this government talks about a code of conduct. Who should have a code of conduct imposed on them? It should be Harris and his backbenchers. I would support, in a New York minute, a code of conduct for this gang after its persistent attack on teachers and students and young people in this province, after its gross mismanagement, its negligence, quite frankly criminal negligence, as to the supply of safe water in this province. How many people dead in Walkerton, and thousands more suffering from infection, because of this government's negligence? This government has put the welfare and security of the richest in this province ahead of common decency. They talk about common sense; let's talk about common decency. You want to talk about common sense? I want to talk about common decency. What's decent about evicting those young air cadets from Thorold Secondary School? Not a thing.

Earlier today during my member's statement, your minister was invited to do the right thing for once, to make a phone call down to the district board in Niagara and ensure that that air cadet squadron is able, as it should be entitled, to use Thorold Secondary School for another 58 years without the imposition of gross user fees dictated directly by this government. Please, let's not hear Ms Ecker start talking about how the local board can do this and the local board can do that. She tied the local board's hands. Mr Reilly indicated that because of this government's defunding of local education, the board can no longer supply the premises for free.

This code of conduct is phony. This code of conduct doesn't do a single, little, tiny bit to change the status quo, nor does it do anything to improve the quality of education or the safety of our schools in this province.

This government keeps on wanting to send out decoys to deflect people's attention—like David Copperfield, the magician—to redirect your attention, or like any sleight of hand artist, the legerdemain artists of Ontario, the Mike Harris government. "Distract them and make them think about code of conduct and we'll whack teachers and education over there."

I'm not going to support this legislation. As an honourable member, I can't.

1600

**The Acting Speaker:** Comments and questions?

**Mrs Julia Munro (York North):** I want to comment on a couple of statements that were made by the member opposite. I think all of us can relate to the vast majority of students in our schools today, who do work hard, who do give us hope for the future as the citizens who will take on the leadership of our communities, our province and our country. No one is disputing the reality and the recognition of those students.

What we are talking about is providing an opportunity for those students to receive their education in a classroom environment where teachers are given the opportunity to teach, not to spend a lot of time and effort in what is sometimes referred to as class management. No one disputes that for some time there have been codes of conduct in individual schools. What this piece of legislation does is talk about providing a consistent code of conduct, recognizing that teachers and administration may need more specific tools.

It is at those students, the majority of students, who want an education, who want to benefit from the expertise of their teachers, that this legislation is aimed. It is those students who deserve our attention, through giving tools to the schools to make sure that they're in a learning environment, not one which is jeopardized by the very few.

**Mr Joseph Cordiano (York South-Weston):** I was listening to my colleague the member for Niagara Centre on the monitor. He is right when he talks about—

**Hon Rob Sampson (Minister of Correctional Services):** It's a good place to listen to him.

**Mr Cordiano:** It certainly is. Everyone's busy around here, in and out of our offices, but we have television sets.

This morning I made a speech about how this government likes to put the blame on others for things that have gone wrong. Of course safe schools are important, but the real issue is that this government continues to pull resources out of the education system. Cut after cut, we see a decimation of special ed programs and English-as-a-second-language programs. I could go on and talk about adult education and how they decimated that.

Then the government turns around and says, "We've got to have safe schools," as if this is the most important of priorities. There is no doubt we need security in our schools. My wife is a teacher and has told me about some of the problems being faced, but at the same time, admit that you need to put additional resources into those programs that are going to make a difference in people's



lives. Don't continue to cut those programs and then turn around and say, "We have got to make our schools safe; we need a code of conduct," as if that's going to solve the real problems.

It is important to recognize that this government continues to denigrate teachers, to make them the scapegoats for everything that has gone wrong, or is perceived to have gone wrong because not a whole lot has gone wrong, by the way. Our education system used to be one of the best in the world and has produced a very vibrant group of people who have gone out and made this economy the most productive we've ever seen in the history of this province. So a lot has gone right.

**The Acting Speaker:** Further comments or questions? The member for Bramalea-Gore-Malton and Springdale.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Well done, Mr Speaker, I know it's a long and tedious riding name but a very good riding, let me assure you of that.

I'm sure the people at home sometimes wonder what we are talking about, what subject we are on, what bill we are discussing. A lot of times people go off on tangents. They go so far away. They bring in Walkerton, the code of conduct, many other things. Let me let the people know that we are talking about a code of conduct, and that is Bill 81. If people want to follow it, this is available on the Ministry of Education Web site. I'll be speaking on this a little later, as will my good colleague from Durham.

Certainly members opposite will agree with me that there's nothing they can oppose. They've agreed that we need more discipline in schools.

**Hon Mr Sampson:** He's nodding his head.

**Mr Gill:** Thank you.

I've had the pleasure over the years of travelling to many countries of the world. We spoke about Parkdale Collegiate yesterday, a very fine school; in fact I did my grade 13 at that school. In the meantime I've had the pleasure of studying in many languages, being at many schools, and I don't mean to downgrade any school but discipline has been lost in our schools. There are kids out there who are mouthing off to teachers, who are sitting any which way they like, and they think they know more than the teachers. They forget that one of the purposes they're in school is to learn something. I'll be spending some more time on this bill later on. Let me assure you this whole bill is about a code of conduct, discipline. The students should be doing what they're supposed to be doing in terms of learning.

**The Acting Speaker:** We'll go for a two-minute response to the member for Niagara Centre.

**Mr Kormos:** I want to make it clear that we've got a serious problem in education and in our schools in this province. It's a problem of teacher shortages, of teachers being ganged up on by this government and knocked around and beaten up and treated with thorough disdain.

We've got a problem with classroom sizes and too few teachers and too many kids. We've got problems with young people in our elementary and high schools having

access to libraries and guidance counsellors and special ed people. We've got a problem with the inadequate level of teachers' aides as a result of this government's cutting and slashing.

We've got a serious problem of teacher morale as a result of this government's Bill 74, around which it doesn't really want to hold any committee hearings whatsoever. We've got a problem when young people like Scott McKay down at E.L. Crossley Secondary School in Pelham, so illustrative or demonstrative of his generation—a bright, capable young man who gives so much to his community—are vilified by this government as it tries to paint young people with some broad brush as being a bunch of hooligans and disrespectful.

Quite frankly, Mr Gill, I don't care how the student sits as long as she or he is learning. I don't care if they're sprawled out on the floor, God bless 'em, as long as they are getting an education. Please. What a peculiar but typical Tory "whack 'em, smarten 'em up, straighten 'em up" attitude. It doesn't sell any more, guys. It doesn't work.

**Mr O'Toole:** It's again my pleasure to rise to speak on Bill 81. The member from Niagara Centre in his closing remarks sort of summarized the general disrepair or disrespect, the environment that has been set by those lower expectations. Children today are thirsting for goals, models and hope in their lives. I think this whole bill set about to provide a respectful, safe learning environment, and it's as simple as that.

As a starting point here, it's important in any remarks I have to make this afternoon to keep in perspective that we're talking about a very small percentage of young people. The vast majority of young people that I'm familiar with or that I think our community is represented by are exemplary and should be complimented. It's in respect of that 2% or 3% who ruin it for the majority that my remarks may be a little bit critical.

1610

I go back to the motive here. The member for Niagara Centre has left the chamber now, but he's aware that their government dealt with the same issue in 1994. They tried to introduce, as you would know, Mr Speaker, a code of conduct, so to speak, behaviour policies within a school, which I think is a good idea. They were thirsting for it. I guess most of the federations were arguing that schools were becoming, because of some disruptive behaviour, difficult places for teachers to teach and for students to learn. That was a commonly heard expression.

By starting with the premise that all children—the vast majority have faced a changing world. I might say there's a lot more violence on videos and there's a lot more of the rave kind of atmosphere around, but most of them who attend those things are, like my five children, law-abiding, fun-loving, spirited young people. Let's keep that in mind. But a place of learning has to have a bit of decorum. It has to have mutual respect for the teacher and the learner. It has to provide a structured environment, a good start and stop time, order and respect for

one another. It's in that vein that I address Bill 81 this afternoon.

When Minister Ecker introduced the bill, it was after long discussions and consultations with external stakeholders, the parent advisory groups, teacher groups and parent groups, as well as students. I think the end result here in a general sense is promoting respect, responsibility and civility. Those are the three words that I think capture the most important essence.

Of course, much of the media attention has been paid to things like the singing of O Canada, the national anthem. There are those who attribute this to "Americanization." I think it's getting back to basics. It's just a practical approach to having things that we can agree on. Certainly we all should respect our country. For someone to criticize that approach is maybe eroding the very foundations of the strong, wonderful country we share. We each have responsibilities and roles in that country, and in that a good place to start is learning what we might call civics. You might put a lot of names on it. It's setting the right tone for a safe learning environment.

It's also providing consistent, province-wide standards of expectations as well as consequences. I'm now moving to the shadowy part of the debate here. All of us should know that there are, or should be, consequences for our actions. When the actions are to the disadvantage of the majority, ie, somebody disrupting a class or bringing a weapon, threatening a teacher or something like that, that should be dealt with. Teachers and educators need the tools to manage the learning environment. Maybe some here would have problems with the term "manage," but I think there has to be some sort of order and in that respect I'm using the word "manage." They need tools to deal with it. Then you get into the whole idea of suspensions and expulsions.

I did serve as a trustee. There used to be a special committee of the school board that dealt with those very rare occasions where expulsions got that far. Probably there should have been more of them, but because there was such an elongated procedure, so to speak, the school could have burned down by the time the school board had heard the appeal. We're trying to bring immediacy to the disruption.

Of course, there are those on the other side of the House who have said that there is no real problem, there is no situation that exists that's drawing on some legislative action by the government. I think it's important to put on the record today that in Ontario there have been a number of expulsions and suspensions under the current system in 1997-98. For the record, I'm just going to draw this to the attention of the members listening. For possession of weapons, for instance, in the Toronto district school board and the Toronto Catholic school board—this is a combined number, not weighting either one of them—there were 11 expulsions and a total of 228 suspensions. That's in the Toronto area.

It's not just unique to Toronto. We should all be cautious, and hopefully not alarmed, but certainly we should have procedures for dealing with it. I know in one

of our high schools, someone brought an axe into school. There was quite a bit of controversy. It was on the front page of the paper and I believe the principal of the time, who is now a superintendent, handled it well. But again, it was because he's a person who did bring some authority and respect to the school that he was principal of.

The Peel district school board and the Dufferin-Peel Catholic district school board, under possession of weapons, had four expelled and 41 suspended in the 1997-98 school year. For Ontario, under that one offence, possession of weapons—now, this is a pretty serious offence; talk about a threatening environment—they had 20 expulsions in the province and 649 suspensions. As we all know, there are approximately two million students, so again, to reiterate, it's a very small percentage. But we can't have those very few radical groups or individuals spoiling it for the vast majority. We need to have safe learning and teaching environments. Without that, it's anarchy. It's just not the right kind of climate to set.

I think there's a lot to be learned here in a general sense that can be applied to the last 10 years of experience with the Young Offenders Act. I'm not just trying to turn this into fed-bashing, but the federal Liberal government sets the tone of tolerance for—repetitive violent behaviour is simply not acceptable. I challenge Anne McLellan and Allan Rock to address that federal issue and set the stage that for repeat violent predatory-type young offenders, they need to, on their second or third attempt at least, be seriously reminded that that kind of behaviour in our civil society of Canada is not acceptable.

We're moving that down again to the very few who ruin it for the many. Mr Speaker, I would hope that you're in some respect agreeing with most of what I'm saying, and that might be presumptive on my part, but I'm putting it on the record anyway.

I want to discuss whether there is a need to have this. Some of the members on the opposition side have said that there's no need for this legislation at all. I'm going to read in again here, "threatening serious physical injury." In Toronto schools—I'll be quick about it—there were 202 suspensions in 1997-98 school year. In the Dufferin-Peel public and separate systems, there were 41 suspensions. Provincially—there are 73 school boards, remember—there were 1,429 suspended for threats of serious physical injury. That kind of behaviour is not acceptable. People don't want to hear this, and the opposition are going to go back and repeat things that—for instance, I think the member for York South may have suggested that this wasn't needed. I think he should pay closer attention to the actual details of what I'm saying here. He's still reading, but anyway, he's here. Assault causing serious bodily harm, for instance, in the province of Ontario—I'm going to repeat this: In 1997-98 in our schools, 2,289 were suspended and 22 were expelled. In total, there were 50 expulsions under these codes of conduct issues. Almost 5,000 were suspended.



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We've established quite clearly that for that very small number of students there is a problem. Those who want me to stop there and say that we shouldn't do something aren't prepared to govern; they don't have the strength to stand up and do the right thing to make sure our students and our teachers have both a safe teaching and a safe learning environment. That whole thing about setting the tone and having the leadership with the courage is what this government stands on: keeping its promises, which is of course the right thing to do.

I have a number of points I want to make, but I do have a letter here from a retired teacher from Peterborough. I had promised that I would not use his name. He is saying that many of the changes, the curriculum changes and the code of conduct, the behaviour and the whole anxiety level—and I admit that there is an anxiety level in our schools and I admit that the anxiety level is part of that higher-order power struggle, teacher unions versus a government that wants to improve the quality and accountability of education. It's that power struggle that has transcended into the classroom which deprives students of extra learning opportunities, whether it's travel or trips or sports or chess or drama or music. It creates the tension and the disappointment and the sadness that have pervaded the schools for the past few months. Most teachers themselves are full of anxiety and tension about how to respond to their peers who are putting pressure on them and that's part of a code of conduct.

In this letter, this former teacher, whose spouse was a principal, said they should not have the right to strike. Mr Speaker, you probably know, if you were paying attention, and if you weren't I'll tell you again: My wife is a teacher and my oldest daughter will be teaching high school for the first time this year. They know that the school learning environment is changing and they hope that the tensions that are being caused are finished by September. Neither one of them has really participated in that kind of strike mentality thing and there is anxiety in there with some of the individuals who were friends for a long time, but it's the power thing.

I should put on the record, and I think it's important that Hansard note this with a double underline, that the Liberal government, specifically their leader, Dalton McGuinty, did submit a private member's bill that banned or outlawed a teacher's right to strike—not just extracurricular activities. Dalton McGuinty then and Dalton McGuinty now are two different things. With that kind of vacillating leadership, they clearly have no policy that I've heard in my five years here. When you have a policy that the moment you stand up someone can point and criticize—and I think it's important, the criticism. As I said, I am listening to the member for St Catharines and I have the greatest respect, but I'm going to listen intently for what positive things he has to say on Bill 81—not on the environment; that's an appropriate question at that time—but on this bill. Are you for it or agin it, or has Dalton not made up his mind, have the Liberal Party not

made up their mind, are they soft on crime, are they soft on any kind of—

*Interjection.*

**Mr O'Toole:** They haven't been told, and that's clearly the point that has been made.

Is this the right thing? I'm going to refer to a few documents here. I like third-party endorsement. It's not just my view. As a parliamentarian, I'm here to speak and represent my constituents and the people of Ontario. Supportive quotes, for instance, on the code of conduct from the president of the Canadian Safe School Network:

"But the absolute direction they're headed I think is a good one. The fact that they're engaging parents, they're providing parents with the opportunity to have uniforms in the school for their kids, the fact that they're setting a standard, and when we talked a bit about this earlier on, the fact that they're setting a standard for all schools to reach to, providing resources for alternative programs, all are something that's a good idea."

Further from the president of the Canadian Safe School Network, "I think it's important to keep shining a light on this issue,"—don't sweep it under the carpet—"and that's what's happening today, and that's a good situation, where you've got a government showing the leadership, shining a light on this very important aspect, and hopefully what that will do is good for our students and play an important part of making a safe learning environment."

I've also got an interesting little quote here from Gail Nyberg. She has been in many respects critical, but I think it's toned down a lot. She's not on CFRB as much.

**Mr Gill:** She's running for council now, that's why. I heard that.

**Mr O'Toole:** Yes, I heard she could be running for the city of Toronto, and good luck to her, because she does bring an energy to it. Most often she's wrong, but she does bring an energy to it. But she is right on occasion. It's sort of like Dalton. I think she's probably a Dalton supporter, because she says one thing one time and another thing the other time. That's how I think of it. It hasn't gone away. It's that flip-flop. It never leaves you. There's an old expression, "Liberals"—what's the next word? "Liberals"—I won't say it. You can't say it; it's against the standing orders to say it here.

"Where we have uniforms, it has been very successful and supported by parents and students." This is Gail Nyberg, and it was quoted in the press on September 16, 1999.

Another quote here:

"We've had amazing feedback on it. In a big public school you don't usually get a lot of positive feedback, but our phone was ringing off the wall with congratulations last September when the kids showed up for school.

"It provides a sense of community for students, a kind of team spirit."

To some that may sound a little corny. Let's just get over the designer clothes, the designer earrings and piercing, and just get on with plain ordinary learning, and

have respect for one another. It sounds corny, and I'm sure the member for Niagara Centre, in his view—"I don't care if they're lying on the floor," he said. It's that kind of permissive, tolerant indifference to learning. You actually have to pay attention to learn the times tables, to learn how to spell and learn how to read.

*Interjection.*

**Mr O'Toole:** Just a moment here. I'd like a little respect. This is what we're trying to tell the students here, that this is about respect and rights and responsibilities. So I don't want any heckling. Cut that out. There's nobody here anyway, actually.

Those are the third-party endorsements that have come to my attention. I've got a plethora of them, and I'm running out of time.

I want to say one thing. In frustration, some teachers, at wit's end on a Friday, may suspend. Some principal, at wit's end after a hot, hard day, may expel. So there is an appeal process. It's very important to understand that there's an appeal process for those few times where those few offenders need to make sure. But I think the most important part here is that we're engaging parents and we're engaging students to provide a safe learning and teaching environment.

I want to end on a positive note. The member for Niagara Centre and I were on the Michael Coren show last night. There were a lot of people—hundreds of thousands of people watch that show. In the remaining time I have left, I said to Michael two things: "I don't mind coming on here. In fact, I enjoy it. It's important to get the opportunity to speak to the people of Ontario." Here's the key, though. It's sort of like three against one. I would prefer him to be kind of a moderator as opposed to a—

*Interjection.*

**Mr O'Toole:** No, it was off-air I said it. In that program, Mr Kormos did talk about the cadet corps from Thorold Secondary School, and I'm putting on the record here today, thank you, Mr Kormos. I'll tell you why. My oldest boy—many have heard this story—went to the Royal Military College, where they wore uniforms. It transformed him. Just the uniform and the decorum in the school transformed him, and I'm proud to say as a parent that he's a captain in the armed forces today, serving on the Sea King helicopters in Halifax. He's a wonderful boy, and I thank the school, not just the Royal Military College, but Bowmanville High School and the other teachers who had the courage and leadership to show the vision and respect for young people, and that made him an officer in our country today.

1630

**The Speaker (Hon Gary Carr):** Questions and comments?

**Mr Cordiano:** This bill, which purports to create conduct for safe schools and a policy that would make our schools safer, just doesn't go far enough. In fact, we proposed a number of amendments that have been rejected by the government.

No one in this House would be opposed to the notion of safer schools. Come on, that's motherhood. What are we talking about here? However, what we are talking about in reality is, are we, as a result of this government's legislation, really going to achieve the goal of safer schools? The answer to that is no, and that's why on this side of the house the Liberal Party has concerns with this bill.

We have proposed safer schools zones, which would truly make those schools safer and would punish individuals with stiffer provincial penalties if they should happen to go within five blocks of the school.

**Mr Speaker,** do I have time to go on? Is it two minutes?

**The Speaker:** We do have my watch. I know it is very difficult for members to judge because the clock isn't on there. Maybe what we could do is, when we get close to two minutes we will let you know. We are trying to get it fixed. We are having a little bit of trouble with the official clock. So the member will continue and at around 10 seconds I'll probably warn him a little bit. How's that?

**Mr Cordiano:** I'll just pretend that I can go on indefinitely, that time has stopped. It's the first time that time has ever stopped when I was speaking, and I'm delighted to be here.

Furthermore, as I pointed out earlier, this government has failed to provide the necessary resources for our schools, and they continue to denigrate our teachers. How do you expect to have safer schools when the morale of teachers and everyone associated with the education of our children is being put down and subjected to the kind of abuse that this government is subjecting teachers to? It is unworthy of this government to expect that. A code of conduct is vacuous without backing it up with real resources.

**Mr Kormos:** Let's talk about kids. Mr Bradley will know this. We were shocked in Niagara region earlier this week when the stats regarding the number of children that family and children's services has had in their custody reached historical, dramatic highs—something in excess of 500 kids, Mr Bradley?

**Mr James J. Bradley (St Catharines):** That's right.

**Mr Kormos:** The director of services at family and children's services was able to identify the cause. The people involved were very clear that family and children's services having a record high number of children in their care was a direct result of the attack on the social safety net here in this province by this government. We predicted that was going to happen. We warned the government. Quite frankly, I recall here a couple of years ago directly talking about family and children's services and the pressure they've had imposed upon them as a result of this government's cuts, that families are being undermined.

This government wants to talk a big game about family. Why isn't it doing things to support families? It wants to dress our kids up in little red scarves and have them marching past pictures of Mike Harris waving



copies of the Common Sense Revolution, "Hail Comrade Harris." It has been done before. It wasn't particularly attractive. This kind of Stalinist thinking has no place in a democratic society.

You've undermined young people and their parents. You've taken away the things that single moms and other families in economic need were able to rely on to sustain them through hard times. You created chaos in our communities. You want to divert people's attention, like with your little bread and circuses kind of thing, talking about codes of conduct when virtually every board in this province has a code of conduct. The behaviour you're talking about is contrary to the Criminal Code. Of course those young people should be dealt with and they are being dealt with. Your legislation doesn't do a single thing to change the status quo. What's the matter with you people? Why aren't you paying attention to what's going on down there rather than the marching orders you get every morning from the Premier's office?

**Mr John Hastings (Etobicoke North):** On a point of order, Mr Speaker: I would like to congratulate you on reverting back. I think it's most appropriate to use your stopwatch for timing. We're too modernistic in this Legislative Assembly with this clock and broadcasting. Please note it and take it under consideration.

**The Speaker:** I thank the member.

Further questions and comments?

**Ms Marilyn Mushinski (Scarborough Centre):** To follow up on what my colleague from Etobicoke North, Mr Hastings, has said, it really is nice to see us get back to some basics. That is what the Safe Schools Act is all about.

When we're talking about strengthening the social safety net, which is something I know Mr Kormos and his friends would like to think they did in 10 lost years of mismanagement, what we're talking about is actually creating new jobs, because we believe the dignity of a job is the best social program that you can have, not just in this province but in this country.

Since 1995, when we took the Common Sense Revolution to the people of Ontario, we said that strengthening the social safety net for Ontarians was important to us and that the best way to do that was to balance the budget, to get rid of the deficit, start paying down the debt and to cut taxes, because we believed that putting money back into the pockets of hard-working people was going to stimulate the economy and create the kinds of jobs that we predicted would happen. Guess what? We have created 750,000 new jobs since 1995. I couldn't think of a better way of strengthening the social safety net than creating jobs.

**Mr Bradley:** Unfortunately, to show what an exciting life I lead, I was watching Michael Coren last night. I was watching Mr O'Toole, the member for Durham, on there with his colleagues. It was rather interesting to see. As the member for Etobicoke North would say, it tends to induce snoozing at that time of night. Nevertheless, there was a good exchange of views and some people who called in, and that's what the debate is about.

When I think of discipline, the discipline I saw exercised best this session was the Speaker of the Assembly disciplining the Premier and saying to the Premier that if he did not behave himself in this House—he gave him a last warning—he was going to be expelled for the day. It's called "named." He was going to be expelled for the day. I know his mother, who watches this program very much and is keenly interested, was probably very proud of him on that day when he brought the Premier to heel when the Premier was continuing to interject.

**Mr Hastings:** Ever been named?

**Mr Bradley:** To the member for Etobicoke North, I must say, in my 23 years in this House I have never been named. That is correct. In fact, tomorrow will be the anniversary for Norm Sterling and for me of 23 years in the Legislature. We were both elected on June 9, 1977, just as some relatively new members of the Legislature are having their celebration of their first election to the Legislature today.

I'm going to be looking forward to being able to make a few remarks later. I just wanted to assure Mr O'Toole that I was watching last night. I didn't agree with everything that he said; nevertheless, I found it an interesting exchange and a good debate.

**1640**

**Mr O'Toole:** I'd like to thank the members for York South, Niagara Centre, Scarborough Centre and St Catharines. Congratulations on your 23 years of service to the people of St Catharines as well as the people of Ontario. That small tribute is a good start to bring us back to the debate on Bill 81. I sort of extend a congratulations, as was mentioned earlier today, to the pages of this session of the 37th Legislative Assembly. Those are the young people who watch us behave or misbehave. To you, a respectful thank you for helping us.

I really feel that if you have a more pleasant environment, people are more willing to please one another, both the teacher and the learner. It provides the right kind of stimulus. As a parent of five children, I know it's a two-way street. I can't just demand respect—it's something that's earned—nor can they. It's a very simple approach to the world, perhaps too simple for today's complex society, where we have to have violent sounds, violent noise and also other things to demonstrate our individuality in some respects.

Bill 81 comes back to fulfilling a promise to promote respect, responsibility and civility in our schools. I can't think of any reason to apologize for that. I think it's long overdue. I don't want to even politicize it. Other governments have tried, but we're actually doing it. We've taken that bold step—imagine that—of allowing parent community councils to examine or consider the option of having school uniforms. That may not be appropriate for some schools. But that's empowerment, and this government has the courage to stand up and give people those kinds of decision-making roles.

It is an important bill. I hope all members will support it. I certainly think it will be good for our students, good for our teachers and good for Ontario.

**The Speaker:** Further debate?

**Mr Bradley:** If only the government would amend this bill in certain ways—we've offered some constructive amendments when our previous speakers have addressed the provisions of this particular piece of legislation. I would hope the government would accept those amendments, because I think then it might well be a bill which could be accepted by the assembly.

We have to look at the motivation of this, however. To paint a picture of total chaos in the school system, as some wish to do when they want to attack the school system or to create a crisis of confidence in a public institution, would be a disservice. This does not mean that there are not challenges to be met; this does not mean that there aren't some problems within the system. We all recognize that and there always have been those kinds of problems. But this is largely a public relations exercise, because boards of education and individual schools have had a code of conduct and have enforced that code of conduct over the years. Where there is a provision for police involvement, of course the police should be involved. If there are people who are violating the Criminal Code of this province, the police are certainly entitled to and should be involved in making certain that people adhere to the laws of the province.

I looked at this, and this was a pre-election ploy. It's kind of popular, because I can't think of anybody who would be in favour of no discipline in schools. I think we want to see the appropriate amount of discipline in schools. We want to also see an atmosphere which encourages students, which makes students, teachers and other personnel want to go to the building each day and participate in the normal activities. But this is yet another bill which was designed, as I say, to paint a crisis in the system. What happens with the right wing—I'm not talking about the small-c conservatives who sat in the House in previous years, and perhaps some who sit here these days who are of the more moderate liking—what they do is they try to create a crisis in a public institution so that people will accept answers or changes which normally they would find somewhat repulsive. We've seen this happen in the health care system now, where we have Tom Long out there in the federal scene and we have the other members of the Reform Party—what is it called today?

**Interjection:** The Alliance.

**Mr Bradley:** It's called the Alliance Party today—out there suggesting: "There's a real crisis in our system. We have the solution: an American-style privatized system, a two-tier system where you have one set of rules for the richest people in the province, the most privileged, and another set for the rest of the people in the province." I think people who have looked at that two-tier system and have looked at our system, properly funded, would choose our system. There are many Americans who are in envy of it. I can tell you why they're in envy of it: You've got the major companies that don't want it to happen in the United States advertising against it, and I think the Republican Party as well, although somebody

over here could correct me because I think they go to the Republican conventions.

**Interjection:** Mike Murphy.

**Mr Bradley:** Mike Murphy, as mentioned, who is the guru in terms of political campaigning for the Republican Party in the United States.

I look at this particular bill and say normally I think people would be in favour of discipline in our schools. The real test will be when a big shot's kid gets into trouble. Wait till a friend of the Premier or a friend of one of the cabinet ministers gets into trouble. You can be sure the call will be going in to the appropriate authorities to bail them out of that. That's a problem we have to avoid in the school system, that people of influence are able to have their kids get out of trouble simply by the position of influence that they hold. We wouldn't want that to happen.

In terms of a code of conduct, I think people want them to behave. We don't want swearing of the kind that we saw when a cameraperson was at I think Prudhomme's in Vineland and he was looking over some documents, or at least scanning the room of the cabinet members of the caucus, and he scanned past the Premier and the Premier told him to get that camera out of there, except I left out one of the words because I don't want to say that kind of word in the Assembly, and besides, it's the kind of word for which a student would be expelled from school. We don't want that to happen, I'm sure, Mr Speaker. You would appropriately call to attention any member of this House who had used inappropriate language and demand that they withdraw it upon penalty of being expelled for the rest of the day. What we don't have in this House is a specific place for members to go, and that's the problem with this legislation. When they expel the students, there's supposed to be another alternative place for the students to go, but of course there's not going to be any funding to be able to provide that alternative place. If everything's in place, it makes it a lot easier.

It's like the bill we dealt with yesterday dealing with psychiatric patients. Our hearts go out to families who have individuals within the family or within a circle of friends who have psychiatric problems. Yes, it was a good bill, it's probably a necessary bill, but we wanted to make sure that the other facilities were available, the other staff were available: psychologists, psychiatrists, guidance people.

You even think of the caretakers in the school who look after the maintenance and the cleaning of the school. These are important people. I can recall in my experience in the school system that certainly the caretaker was often the person who knew who should and who shouldn't be in the school, and who was able to spot problems from time to time. That's part of a family, part of a team. Similarly, school secretaries of the day were people who were often gatekeepers as well. They looked, and if they saw something untoward happening they were prepared to alert us to that. Now those people increasingly are being marginalized and moved out of the system by a



funding formula that works against them. I think most members of the teaching profession would prefer to have those individuals within the school as well.

I was watching television today. I turned on the television set and I saw Mike Harris, our Premier, in the SkyDome for another photo opportunity. I know that was a diversionary tactic because with the embarrassment of the safety of drinking water in this province and the scandal swirling around that at the present time—"controversy" I guess is probably a better word—it's understandable, I suppose, that the Premier's advisers would say: "Look, Mike, you've got to be doing something else to divert attention. Why don't you go down to the SkyDome and put the boots to people on welfare again? Brag about how you've dealt with people on welfare."

I heard my good friend John O'Toole, the member for Durham, talk about—it's always a throwaway line that they like to use—the Liberals being soft on crime. I know that when it comes to environmental crime, Mike Harris and members of this government are certainly soft. That's why the number of prosecutions is way down and the number of convictions way down and the penalties way down under the auspices of the Ministry of the Environment at this time. They have been told to be business-friendly and to get themselves, as a ministry, out of the face of people in this province who don't like the Ministry of the Environment.

1650

Back to the Skydome: I thought perhaps there might be an announcement about water in there. I don't know what the trick was today because I didn't watch it as carefully as I should. Usually the Premier says, "Well, it would be five times the number of people in the Skydome who were on welfare and are not on welfare today." I'm going to tell you that I would bet it's about 100 times the number of people who could fit in the Skydome who are today concerned about the safety of drinking water in this province, particularly after the events that unfolded in the Legislature this afternoon and have unfolded for the past two weeks.

It's hard to concentrate at this time on a piece of legislation that is essentially a flop, that is essentially something that's simply adding a bit to what already exists. Is it going to be the worst thing that ever happened to the province? Probably not. But if we're talking about crime, I hope that we're as tough on environmental crime as we are on other kinds of crime, including those crimes which might be committed within the purview of a school.

We had a good suggestion as part of our platform in the last election campaign that I thought the government might have picked up. I would have commended the government for doing it, because I think it was a good suggestion. That was safe school zones, where there would be additional penalties for those who committed certain crimes within a school zone.

As you know, the drug pushers who are trying to get young people hooked on drugs that are very damaging to them, and those who perpetrate other crimes, often do so

within a school precinct or within a school zone because that's where they are going to find younger people who are vulnerable, younger people who may not be aware of the dangers that lurk out there in some of the opportunities that are presented to them. That might have been a good provision for this. I think you would have had the support of parents, teachers, school boards and students themselves.

What I lament, as well, is the loss of any authority for our school boards. Some of the members who serve in this assembly were members of school boards. Over the years I have found that members of school boards were very dedicated people, specifically to education. They consecrated education. They were on a number of committees; they visited the schools; they talked with the teachers; they spoke with the students; they had lots of consultations with parents and the public; they communicated with the news media. They were generally positive about what was happening in the school system. Today those people are simply relegated to the position of puppets of the provincial government.

There's another piece of legislation, Bill 74—I call it a companion piece of legislation—which compels teachers to do what they have been doing for dozens of years in this province, and that is, provide assistance with extra-curricular activities.

I don't know if these people, if every member of the government—perhaps they do—recognizes how demoralizing it is to members of the teaching profession to be told that they must be instructed to engage in extra-curricular activities. I've met people, I mentioned in the Legislature before, who were up because the Canadian scholastic rowing championship was on this week. In the old days they called it the schoolboy regatta; they don't now because there are probably more girls who are doing the rowing now than there are boys, and it's great to see. It's wonderful to see both participating in the sport of rowing. I was down at the Henley regatta on Sunday presenting medals at that event.

The coaches, many of them teachers, were up at 4 o'clock in the morning, because you have to be up at 4 to be down by 5 o'clock in the morning to be on the rowing course before school starts. They'd be coaching there. Some of them would be teaching after that, helping students with additional activities, and then be involved, perhaps, in another sport or another activity later on in the day.

The inference found in the companion piece of legislation, Bill 74, is that somehow teachers are dodging those responsibilities. It's very discouraging to people who have spent all those extra hours, sometimes sacrificing home. Some people get home and a spouse or a member of the family may not be entirely happy about the fact they've been spending time with students for a period that may be 10 or 12 hours, and then on the weekend taking them to tournaments of some kind, or involved in another activity like debating or public speaking or, as I say, sports events.

It is most discouraging for teachers to see that happen. That's why I must warn that you're seeing these teachers now leave the day they can. There was a time when teachers often taught to the age of 65, even though they might have been able to retire at an earlier age. Now teachers don't even teach to the end of the year. They often teach to the day they have to teach and then they're out the door.

That wouldn't be the case if there was a lot of enthusiasm there, if they felt they were wanted and welcomed by the government which governs the province. I know they at least appreciate the fact that the students appreciate their work. I think it's a huge mistake for the government to pass that kind of legislation. It'll be much more damaging than this legislation, which is, as I say, relatively benign when you look at the whole scheme of things and what has happened.

There has emerged a major debate in this province. The government and I think my friend from Durham—I hope I'm not misquoting him—stated that it was a conflict between the government of Ontario representing the people and the teachers' unions, as he called them. I would prefer to say that what I have seen in this province, and I think it's a fair observation, is that the fight has been between those who believe in a strong, vibrant, high-quality, publicly funded education system and those who do not.

Every time you erode confidence in that system it means that people are going to accept different challenges, different solutions—charter schools, for instance, which are going to marginalize those who are not in the upper echelons of society in terms of the economics and their influence, or we'll see a continuing privatization of the schools in one form or another.

One of the institutions that I believe should be publicly funded, with investment in that area and it should be in the public domain, is the education system of this province. There are some areas that should not. I don't believe government should build cars. I don't believe there are a lot of activities in which government should be involved. But that would be one, and I can assure you another would be the Ministry of the Environment.

That's why I was very concerned when I heard the figures that came out of the Niagara region. Reference was made to those figures by the member for Niagara Centre, of over 500 youngsters being dealt with by Family and Children's Services of Niagara—a growing number, a growing challenge to be dealt with. That presents a problem for a school system, but we must deal with it in a multi-faceted way. Not only must we deal with penalties, because penalties are necessary on occasion, there's no question about it, but we also must deal with the problems that create those youngsters who cause disruption.

Interesting enough, some of the people who are most supportive of that are members of police forces across the province, because they see what happens. They get the final product very often of broken homes, of children who haven't had the appropriate guidance, of children

who may have a psychological problem. They will tell you, "Yes, we need police officers, of course we do, and we want to see them on the front-line in the streets." They will also tell you it's important to have support services for those youngsters, so that those police can help guide them to those support services instead of having to guide them to a jail where ultimately real problems begin.

I look at what is happening within our school system. There was a lot of discussion of this at the Grantham High School reunion. I know people here were wondering how the reunion went and it went very well. It was almost a three-day affair, but essentially two days. We talked a lot about the old days in school and discipline and the enthusiasm of teachers.

It was interesting. Out of Grantham High School came an inordinate number of members of the teacher profession. I was actually amazed to see the number of people who had become teachers. There was a lot of enthusiasm at that time for being in education. When you talked to the younger people there who had gone into the teaching profession, there was an entirely different attitude. They're still enthusiastic about the students, still enthusiastic to want to impart knowledge and skills, and provide guidance and leadership to students, but the morale is down considerably, largely because of the attitude this government has taken towards teachers and education in this province.

I hope that can be resolved. I would prefer not to be able to criticize the government in that regard. I would really prefer that. I'd like to pick another issue because it really means there's a pall over the education system as a result. If you mention the Premier's name in any gathering of teachers, I'll tell you there isn't a lot of enthusiasm. I would like to say, when I go to an event on behalf of the provincial government, that I bring the greetings of the Premier of this province, the Honourable Michael D. Harris, and get a round of applause. I have a difficult time stirring that round of applause with that particular salutation these days. That's most unfortunate, because I have done it in years gone by. I've done it with Premier Davis when he was the Premier and I've done it with ministers of education of the day, and there was a welcome reception of that at the time.

1700

I know what's happened. There is a division within the ranks of teaching right now where the government is trying to set elementary people against secondary people, boards of education against teaching staff and non-teaching staff, Catholic boards against non-Catholic boards. There's just a general battle going on in the field of education. What we need is some serenity. What we need is some civility out there. I think the government could go a long way to doing that by avoiding—more Bill 74 than this particular piece of legislation. Some may welcome this, but I think most would say it is overridden by Bill 74.

I think I noted as well—someone in the House can correct me if I'm wrong—that the environment is not as



important a part of the curriculum this time around. I was informed by people that where it used to be fairly central to the curriculum—students became very acutely aware of environmental problems in the province and students were very much involved in it—I understand now that in the revision to the curriculum that has been de-emphasized. The member for Barrie may be able to correct me on that and have the curriculum in hand to say that, but I have been informed by what I think are reliable sources that, compared to what existed previously in the curriculum and what exists today, there's a de-emphasis on it. After the events of the last couple of weeks in the province, I think there has to be a re-emphasis in the curriculum on the field of the environment.

**The Speaker:** Questions and comments?

**Mr Kormos:** A quorum, Speaker.

**Clerk at the Table (Mr Todd Decker):** A quorum is not present, Speaker.

*The Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Speaker:** Questions and comments?

**Mr Kormos:** Speaker, that's a little better. There should be government members here to keep quorum. Talk about codes of conduct. Once again, it's the government's responsibility to keep quorum. Maybe the code of conduct that should be considered should be one for Tories here at Queen's Park.

Mr Bradley, though, raised some interesting points. It's quite appropriate to talk about this dramatic, highest historical caseload of FACS. Look, there are young people who are so disruptive in the classroom for any number of reasons, who pose dangers to themselves and to other kids, that they shouldn't be in our schools, and they are being suspended and they are being expelled. There's nothing new about your legislation. But their parents are coming to the offices of Mr Bradley, to my constituency office, saying: "Look, we need help. We've got a kid with serious problems. The classroom isn't working for him or her and, quite frankly, he or she is so problematic in the classroom that we agree it isn't going to work out." It's the support for those families that has been totally eliminated from the communities of Ontario. Mental health treatment for kids in Niagara is at an abysmally low level of accessibility. Those special programs that boards of education were funded to provide for those kids who were expelled—because the law says a kid has to attend school until age 16. This government is encouraging the violation of that law by saying, "Expel the kid." We need a restoration of those special programs that dealt with those very disturbed and, yes, sometimes dangerous kids, to ensure that they had the adequate supervision, treatment and education that any Ontarian has a right to. You people have abandoned that entirely.

**Mr O'Toole:** For the record, the member for St Catharines raised a point about providing supports for those few students who would be suspended or expelled. Clearly, one of the nine category grants in the ministry is a learning opportunities grant. In that grant, which, by the

way, is \$214 million, there are provisions providing counselling, mentoring, classroom assistance, after-school programming and reducing of class size. On top of that, recently in the budget there was additional money announced to reduce class size in the primary grades as well as in secondary school.

On a positive note, today I was fortunate—a very rare occasion, I might add—to make a member's statement, one of the very few this week. I was speaking about the successes of our local high schools. In Blackstock community, Cartwright high school is celebrating its 75th anniversary. What immediately comes to mind is the leader of the band there, one of the teachers, Mr John Beirness. That band, with a small school of 200 students, is world-renowned, sort of like Spike Jones, really. Tim Taylor, the principal, is a person who builds pride in his staff, and that overflows to the students. It's a wonderful school.

I could go on, but theoretically Port Perry is just one of many success stories, and it really starts with providing the right kind of learning environment. That's an environment where the rights of individuals are respected and where there are consequences for actions, and it's a safe, supportive learning environment. I think those kinds of applications apply in the home. Homes that have violence perhaps aren't a very safe place for children or adults. I think the same applies and we should do no less for the students in our schools. I thank Minister Ecker for her leadership and Premier Harris for doing the right things for our students.

**Mr Cordiano:** As is customary for the member for St Catharines, he made excellent remarks on this bill. I would agree with him. One of the things he pointed out and one of the things I would like to reiterate about this government is that, like so many other bills, this is a notional bill. It entails the notion that somehow schools will be safer because we have a bill that says they will be safer. The fact of the matter is that resources aren't adequate. They aren't adequately provided by this bill. If this bill made resources more available, I'd certainly be the first to stand up in this House and support this piece of legislation.

We as a Liberal caucus have made numerous recommendations for amendments. Safe school zones—that certainly would put the idea that you could create safe school zones in and around schools, but again, resources would be added to this so it's not just notional, so it becomes real. My wife, who's a teacher, tells me she's having to deal with behavioural students in her class who are not able to cope in that kind of classroom setting. There are no additional programs for these kids who are behavioural problems. At the end of the day, these kids are put into a regular classroom, are put into special ed programs. They shouldn't be there; they should be in behavioural classes. These classes have been cut because the funding has been cut. It has been many years that this has been going on, so the problems we're talking about, with safe schools or codes of conduct, this isn't going to really address the problems the schools are facing.

Teachers would like to see that solved. They would like to co-operate, but they aren't given the opportunity with this bill.

1710

**Mrs Munro:** I wanted to speak to the point that was made by the member opposite with regard to publicly funded schools. In his remarks there were suggestions made that this government has not demonstrated a commitment to publicly funded schools. I wanted to make sure the record is clarified that indeed it is quite the opposite. When you look at the work that has been done by this government in the last five years, it has been to strengthen the position of publicly funded schools. Let me remind the member opposite that we created a funding formula that provides equity for every student in this province, that we have amended the funding formula in a way that allows for the development of new schools on a more timely basis. We have also addressed the issue of revising a curriculum that better meets the needs of students today as they look forward to careers and various job opportunities that simply did not exist a few short years ago.

Another method is of course to provide a method of testing. We have committed to and have introduced various testings at different grade levels, again designed to ensure that our students in this province are receiving the kind of education they deserve, the kind of education that will serve them in their future role of leadership within the province and within the country.

The issue of teacher advisers is another demonstration of our commitment to support publicly funded education.

**The Speaker:** Responses?

**Mr Bradley:** I thank my colleagues very much for their responses. Some of them I agree with and some of them I disagree with. I heard some interjections. One has to listen carefully for these interjections. When the member for York South-Weston mentioned that his wife was a teacher, I heard the interjection, "Well, she must make lots of money," and somebody else interjected, "She must work six months a year." That's exactly the kind of attitude this government has tried to perpetrate on the population of this province. That's most unfortunate when that happens. That is exactly what happens, and then you wonder why members of the teaching profession are less than enamoured with this government, when you make those kinds of comments. I think they're most unfair.

The member for Niagara Falls would tell you that's not true, because he's aware through his close association that in fact that isn't true. If he were to say that were true he would get in trouble at home, so I'm certain he wouldn't do that.

I also want to say that in coping with any discipline problems, we're going to have fewer teachers within the school to do so. If you look at the provisions of Bill 160, they were designed to have fewer teachers within the system. I can remember when the Secondary School Teachers' Federation made a presentation on Bill 160, a negotiating presentation, which said: "We will extend the

length of the day. We'll cut out some days which will be professional activity days. We're prepared to meet all the requirements you would want for students to have more contact time with teachers." The government rejected that, because their real goal was to reduce the number of teachers in schools, and that will have consequences in terms of discipline as well as other areas.

## ROYAL ASSENT

### SANCTION ROYALE

**The Speaker (Hon Gary Carr):** I beg to inform the House that in the name of Her Majesty the Queen, Her Honour the Lieutenant Governor has been pleased to assent to certain bills in her office.

**Clerk at the Table (Mr Todd Decker):** The following are the titles of the bills to which Her Honour did assent:

Bill 33, An Act to require fair dealing between parties to franchise agreements, to ensure that franchisees have the right to associate and to impose disclosure obligations on franchisors / *Projet de loi 33, Loi obligeant les parties aux contrats de franchisage à agir équitablement, garantissant le droit d'association aux franchisés et imposant des obligations en matière de divulgation aux franchis-eurs;*

Bill 55, An Act to make parents responsible for wrongful acts intentionally committed by their children / *Projet de loi 55, Loi visant à rendre les pères et mères responsables des actes fautifs commis intentionnellement par leurs enfants;*

Bill 62, An Act to enact, amend and repeal various Acts in order to encourage direct democracy through municipal referendums, to provide additional tools to assist restructuring municipalities and to deal with other municipal matters / *Projet de loi 62, Loi édictant, modifiant et abrogeant diverses lois en vue d'encourager la démocratie directe au moyen de référendums municipaux, de fournir des outils supplémentaires pour aider les municipalités restructurées et de traiter d'autres questions municipales;*

Bill 65, An Act to establish the Ontario Association of Former Parliamentarians / *Projet de loi 65, Loi constituant l'Association ontarienne des ex-parlementaires.*

## SAFE SCHOOLS ACT, 2000

### LOI DE 2000 SUR LA SÉCURITÉ DANS LES ÉCOLES (continued)

**The Speaker:** Further debate?

*Interjections.*

**Mr Gill:** I hear the nice sounds coming only from this side of the House. I'm pleased to join in this debate. I'm a little concerned as well. I was listening to the debate very carefully and I was very happy to take part in it, but now I don't see anyone in the third party, and I see two Liberal members. I'm very happy that they're here.



This debate on Bill 81, the Safe Schools Act, is very close to my heart. I'm pleased to take part. I'm very pleased to be part of a government that is taking such an important step in improving our education system. This bill is part of an ambitious agenda of changes to the education system. This agenda is the result of the input of thousands of people across the province who have been coming together since 1995 to craft realistic, practical and common sense solutions to the sicknesses in our education system.

Who deems education sick? This is not a partisan judgment. In a democracy, the citizen is the boss. It is the broad consensus among our bosses that the education system is not nearly as good as it could be. Our constituents also say that the system is light-years behind where it should be.

Who wins if we make significant changes? Our children win. They become more productive economically and they reap higher salaries as a result. They become better-informed citizens and better critical thinkers, and society is a better place because of that. They become more enlightened, more skilled and more inspired.

Who wins if we make no changes? In the short run, I guess that would be a victory for the union bosses, but in the long run, no one wins if we keep the status quo. Our children will stay mired in an aimless system that fails them when they wish to succeed. Too many of our teachers go home after a hard day's work knowing that the system as it stands won't let them be the good teachers they want to be. The system must change. You simply cannot reconcile a commitment to the future of our children with opposition to change. Anti-change means anti-education.

This government is pro-education, pro-change and progressive in the sense of making decisive policy changes to help children learn. All stakeholders who are pro-child are welcome on our crusade. Teachers who are true professionals, who wish to practise the difficult craft, the sacred calling of teaching, are welcome. Our government, our party has nothing but respect and admiration for our teachers.

This doesn't change the fact that the teachers' unions are the biggest impediment to quality education in Ontario today. They resist change because some of their members are scared of it. That is only human. Everyone is scared of change, but teacher union bosses cynically feed this fear, spread panic and misinformation in order to shore up their support and protect their union positions. After all, they wouldn't want to change and go back to teaching now, would they?

1720

I look forward to the day when individual professional teachers will no longer be scared of their own unions, their own so-called brothers and sisters who harass, intimidate and silence them. Someday, teaching professionals will no longer be scared to raise their own voices to contribute their expertise to the process of perfecting education policies for the children of Ontario. In fact, I find it sickening that in a democratic country so many

union members are gagged or subjected to intimidation when union bosses decide how their members should think even in the teaching profession.

It disgusts me that honest, hard-working teachers are forced to line up and clap like trained seals at the command from the union ringmasters. To all those teachers who are stuck in that situation, I say, do not fear the government. We are on the side of anyone who cares about children and we're also on the side of anyone who cares about democracy. It seems to me that our teacher unions could use a little more democracy themselves. Indeed, on page 14 of our 1999 Blueprint we committed to increasing the quality of union democracy. We have not forgotten the rank-and-file teachers of Ontario.

Bill 81 is about responsibility. Our government is fighting the tide of irresponsibility, including irresponsible unions and irresponsible students. Bill 81 is one more solid brick in the system we are building. We have made many changes to education already: a new curriculum, smaller class sizes, a College of Teachers to cultivate professionalism. It ensures that the other progress we are making is not endangered by disrespect within school walls. We promised in the Blueprint that we would respect the rights of teachers to have classrooms and work environments free of violence, disrespect and disorder.

Bill 81 puts teeth into that commitment. Very clearly, the bill lays out our expectations for students and the consequences of failing to meet our expectations. The vast majority of students are solid and well-behaved members of their school communities, but it only takes one bad apple, just one hooligan with a bad attitude and no respect for others, to shatter the peace that is so essential to proper learning. With the passage of Bill 81, hooligans will be banished from regular classrooms and given the discipline they so clearly lack. Let me say that this is a small minority that does not respect the civility, obedience and behaviour requirements in our schools. With the passage of Bill 81, he will no longer be anywhere near a school to disrupt the rights of others.

Bill 81 also makes O Canada mandatory and lets school councils decide on a daily oath of citizenship and dress code. Let me also say that I hope all school councils will take this opportunity. I hope the decision is a unanimous yes all across Ontario. The dress code and O Canada are all tools that will build a sense of membership in the school community.

Shared experiences like these, which many of us had in our own school days, unite society and give us common ground so we can understand and respect each other. We're trying to build a society of civility, order and respect. That job starts with what our children experience in their school days. Bill 81 is about responsibility. Children learn by example. When we take responsibility for our children, they learn responsibility from us.

What's in Bill 81 is just common sense. It is what worked for Ontario's children before the educators and the social engineers went insane and wrecked the education system. In the past, when there was respect for authority

and respect for learning, the Ontario education system was great. Ontario was an example to the world from the days when Egerton Ryerson first promised, as he put it, "to educate all the brats of the province."

We will restore the good behaviour, civility and respect that schools have lost, and this is a step towards making Ontario schools great once again. I'd like to hope that the House will unanimously endorse this bill and pass it quickly.

**The Speaker:** Questions and comments?

**Mr Bradley:** I think the greatest regret probably is that instead of listening to my good friend from Brampton-Gore and other parts of the riding here in the Legislative Assembly of Ontario, had he won the Liberal nomination he ran—was it 1993?—for the federal Liberals—I know it must have cost him a bundle because he had to have all those memberships—

**Mr Kormos:** How many?

**Mr Bradley:** I would say just hundreds upon hundreds of memberships. I hope he didn't pay for them himself because that wouldn't be right.

I could have seen him in the House of Commons as a member of Liberal government, and here he is in the Legislative Assembly. So there's a chance to see him in either place, and I was happy to hear him this afternoon, but how nice it would have been to see him in the House of Commons. I've never run for a Conservative nomination, so I think it's just interesting to note that. It reminded me of my good friend the member for Stoney Creek, who encouraged the Liberal nominee and I think bought a membership and everything and then he turned around and ran against him in the campaign. I know you wouldn't do that, Mr Speaker. Even though from time to time you may not have been on exactly the same wavelength as the Premier, I know you would not have done that.

Back to the bill. I'm always interested to hear what government members have been told to say about this bill.

*Interjections.*

**Mr Hastings:** When did you ever have an original idea in your head?

**Mr Bradley:** I'm sorry I've stirred up the member for Etobicoke North, so I'll simply wish the member a nice weekend before he has a stroke.

**Mr Kormos:** It's been a most interesting afternoon. What's interesting is the effort on the part of this government to once again, as they did with the Family—the Parental Responsibility Act—

**Mr Hastings:** Yeah, be careful.

**Mr Kormos:** I was going to talk about that debacle up in North York there, the family responsibility plan. That is the horror show that was the subject, and still is, quite frankly, in my office. If you guys want to raise MPPs' salaries, please raise our office budgets so we can hire more staff. I've got complaints coming in—they're flooding the office—over the Family Responsibility Office. My staff are working 10- and 11-hour days dealing with the messes you're still creating up in North

York. Lord knows, if Shelley Martel and I hadn't been there with the video camera, it would probably still be packed up in packing boxes and crates and dismembered and dismantled computers laid up against the wall. It's still a horror show.

Look, kids are being suspended and expelled from schools today, as we speak. Schools have codes of conduct. Schools play O Canada at the onset in the morning.

*Interjection.*

**Mr Kormos:** They do. You haven't mentioned a single school board that is not performing to the level you're speaking of as being achieved by this sham bill. All of us understand the need to protect our students and create a safe environment. Please, give the teachers the tools to do that. We have no quarrel with that. But please ensure as well that those kids who are pulled out of our schools for good reasons have alternative programs to participate in. That's critical as well.

1730

**Mr Tascona:** I just want to comment on a couple of aspects. The member for St Catharines was talking about the environment and I just wanted to point out that environmental studies used to be a separate course. The new curriculum integrates environmental studies into the compulsory core science curriculum so that all students can benefit from that.

With respect to the proposed Safe Schools Act, I want to clarify something that has been somewhat of a misrepresentation in terms of how this code applies. The provincial standards of behaviour apply not only to students but also to all individuals involved in the publicly funded school system: parents or guardians, volunteers, teachers and other staff members, whether they are on school property, on school buses or at school-authorized events or activities. So we're holding everyone to the same standard with respect to this piece of legislation.

This is a matter that requires serious consideration because, as was indicated earlier, these are the statistics we have with respect to students suspended and expelled for the 1997-98 period: for the offence of possession of weapons, in Ontario there were 20 expulsions and 649 suspensions; for the offence of threats of serious physical injury, in Ontario there were eight expulsions and 1,429 suspensions; for the offence of assault causing serious bodily harm, expulsions in Ontario were 22 and suspensions were 2,289.

That is very serious conduct, conduct that has to be looked on by everyone in a very serious manner. For the opposition parties to say that this is business as usual—they're out of touch.

**Mr Smitherman:** I've had the exciting opportunity this afternoon to sit and listen to the member for Bramalea-Gore-Malton-Springdale, the home MPP for many members of my family. I found it interesting that in the very same speech where the member said it was his goal to make Ontario schools great once again, he managed to disparage teachers, the very people who are charged with that responsibility.



He was the member, singled out earlier but not named in particular, who talked about teachers working only six months a year. I ask the member whether he thinks that's the best way to approach the notion of improving the education system here in the province of Ontario.

We're joined as well in the Legislature today by the member for Brampton West-Mississauga, who yesterday was rallying on about the issue of bocce courts, that the predominantly Italian residents of portions of North York ought not to have support from their municipality for a very important recreational activity, one which provides extraordinarily important recreational and physical benefits for those residents. Yet that member, along with the member for Bramalea-Gore-Malton-Springdale, helps to send a very important message to Ontarians, and that is, "If you differ in any way, if you disagree in any way, if you don't fall into our core voting group, that narrow casting demograph that we guard so jealously, you're in big trouble."

Yesterday the assault was on those people who wish to play bocce ball; today it is on teachers. The very people charged with the responsibility every single day to assist in educating our children are under assault from that government.

**The Speaker:** Response?

**Mr Gill:** I do appreciate the members' comments, even though they were not on point. The member for St Catharines talked about my political career. He's been here 23 years. He's a very senior member and I look up to him sometimes. But maybe he's been here too long. Perhaps he should be a Senator next.

The member for Niagara Centre, who has left again—he's not here—talked about getting some more in the budget. I do recall in the first few days of the House sitting we were the government that very quickly, even though their party had been wiped out of official status, recognized them. We lowered the number and we did give them substantial—I think it comes to more than \$1 million—research money that they can spend.

The member for Toronto Centre-Rosedale spoke, so I thank you, even though you were on a tangent and never on the subject.

It is a very basic thing we're talking about. We want to bring discipline back. Nobody will disagree—and if somebody does they can certainly rebut me in the next round—that students can bring weapons to their schools, and a teacher should have the authority to suspend a student who does not listen to them, and a principal should have the authority to expel students for one school year.

Coming back to uniforms, there has not even been one parent who has disagreed with that. So I hope that everybody will get together. It's a very pet subject of mine and I want to make sure that it is implemented.

**The Speaker:** Further debate?

**Mr Smitherman:** I was awaiting the applause. It's great to have the opportunity today to participate in this discussion about the importance of our education system and about the government's priorities with respect to it. I use the word "priorities" because I think that is very

much at the heart of the challenge for this government, that is, when faced with the challenges of reforming the education system in Ontario, instead of dealing with the issues at hand of adequate funding, as an example, this government chooses only to offer one more piece of rhetoric.

Through the course of this debate, and again today, on the fifth anniversary of those members coming to hold power, we have witnessed—

*Applause.*

**Mr Smitherman:** I would like to extend recognition to those members who have that anniversary, and recognition as well that in the time since, we've had one Minister of Education of that government who said on tape that it was his goal to help create a crisis in education, and then we've had subsequent ministers who have gone and done just that. That is the accomplishment; that is the record for five years.

*Interjection.*

**Mr Smitherman:** The member for Etobicoke Centre, my home riding, says, "We won the election, George." I'm aware of that—painfully aware from the vantage point of my seat here in the fourth row. Just one year or so past the anniversary of my own election, I have been witness yet again to the member for Etobicoke Centre—"the peacock" I like to call him, out of pride for his performances in this House—saying in utter arrogance, "We won the election, George." We're aware of that. And so to you goes the burden of responsibility for Ontario's education system. It is the issue of that responsibility that I would like to speak to today, because it is the policies of this government opposite that have wreaked havoc on our education system.

I'd like to speak to some of the challenges with respect to the funding formula, a funding formula that, as an example, for the city of Toronto fails to reflect the distinct nature of communities. This is a government that talks a lot—it certainly has in explanation of their policies of downloading—of the need to allow as much decision-making as possible to go on at the local level. Yet they bring in policies which fail to reflect the fact that in the riding of Toronto Centre-Rosedale, home to this lovely heritage building, the Ontario Legislature, and many more, some schools were built when there were different styles that called for, as one example, wider corridors. Yet we have from this government a funding formula that punishes those school boards that have facilities which were built before a certain time. So in my riding, where we have heritage properties that are serving as schools even today—Jesse Ketchum up the street at Bay and Davenport, Park school on Shuter Street and the great Jarvis Collegiate at the corner of Jarvis and Wellesley—we have a funding formula which punishes the Toronto District School Board.

1740

The nature of kids who are being taught in these schools—there is in this government's funding formula no reflection of the very distinct differences that occur across the breadth of a province as vast and populous as

ours. In my own riding, there are extraordinary challenges which the school system faces that are not as profound in other parts of our great province. In my own riding, regrettably, many kids come to school every day hungry. I have school principals who must deal with the challenge of trying to properly clothe kids. We hear all the time from the government opposite about the extent to which the economy is great, but they do a really lousy job of making the case for the people who are being left behind, and our school system is sometimes left to pick up that responsibility.

As well, we have a funding formula which does a lousy job of reflecting the fact that it's going to cost more when you've got kids in a classroom who do not speak English very well, yet we see a decline in the kind of support that's available to them. We see a decline in the support for special education, which is at the heart of behavioural challenges, which this bill ought to deal with. So yet again from the government opposite, instead of offering additional funds to try and help with problem kids they offer rhetoric, because it costs them nothing, and they pass to others the responsibility to deal with it.

We think about school uniforms. School uniforms would be just great, except that some of the kids in my riding don't even have proper shoes. It doesn't matter to the government opposite. They choose to ignore child poverty rates that have increased dramatically since they came to office.

I've seen in my riding these great disparities between communities that have and have not. I represent both with pride. But the ability of parents in those wealthier areas to put additional dollars into the schools is not and cannot be matched by the schools in the inner city. But the government opposite cares nothing about that.

The Minister of Education, who's not with us at the moment but has been very active around this bill—I think we should call this the Dr Laura Has All the Answers Act—stands in her place every single day and tells a story about how great she is and how great the government is, but the reality is not matched by the rhetoric. We have extraordinary declines in the support for public education in the city of Toronto, in particular those inner city schools, which require additional assistance.

This bill that is before us talks a lot about punishment, but it doesn't talk very much about intervention or about prevention. This is a crisis perpetuated by the government opposite to cover up the fact that they have taken funds away from the education system. The evidence of that is very, very clear in my own riding of Toronto Centre-Rosedale.

I note that this bill mirrors much of what has gone on in the United States, another Mike Harris government import from Mike Murphy in the United States. Is that the best we can do? I think we need to acknowledge that this is not new, this notion of conduct. The school boards have worked on these protocols for a long time. Yet the very real difference is that contrary to so much of what this government talks about, on this one they say, "All the answers are at Bay and Wellesley." For our vast

province of Ontario, all the answers can be found in a few floors of a government office building at Bay and Wellesley.

I note there's talk in there about school councils developing pledges of citizenship, some suggestion that the school councils could offer something in addition to O Canada. I note that the Minister of Municipal Affairs—we had an opportunity to talk about his referendum bill, where he reserved the right in all those cases to be able to give the stamp of approval or, more likely, to say no to municipalities that might want to answer questions. I'm going to work with the school councils in my riding to have a pledge that talks about the fundamental right to a textbook, which, because of your funding formula, they do not have. I'm going to talk about a pledge that talks about the fundamental right to come to school without a grumbling tummy from not having eaten because child poverty rates have increased under your government.

*Interjection.*

**Mr Smitherman:** You want to talk about behavioural problems. Go back under your rock, the member for Etobicoke North, climb back under your rock. You want to talk about behavioural problems? I think a lot of them stem from the fact that we've got too many kids who come to school hungry every day, improperly nourished and without adequate clothing. But this government chooses to do nothing about that.

When the federal government offered increases to the child tax benefit, you clawed them back. You clawed back the shoes and the clothing and the food of the poorest and most vulnerable kids in our society, and yet you stand today with so much beaming pride about the work that you've done around the education system.

**Mr Hastings:** Go talk to Barbara Hall.

**Mr Smitherman:** I'd happily go and talk to Barbara Hall. I'd happily go and talk to her, because no finer public servant has been around.

We have a real challenge. In my riding of Toronto Centre-Rosedale, there are lots of kids who are challenged. There are lots of kids who have behavioural problems. We need additional resources to help them—

*Interjections.*

**The Speaker:** Take a seat. Stop the clock for a quick moment. There are 31 seconds left. Order. It's coming down to the end of the day. It's been a long week, a hard week. We're coming down to the last 10 minutes. If all members could try and behave for 10 minutes, then we can let loose at 6:05.

Sorry for the interruption.

**Mr Smitherman:** I thought I was letting loose, Mr Speaker.

The last point I want to leave this House with on this issue is that we need to link this into the requirement for additional resources around special education. Is it really what we want to do, to create a scrap heap, where we're tossing more kids out on the street without adequate support? Special education is an opportunity to recognize that they've got problems and to deal with them at an



early age. But we see that is diminishing. I have enough kids in my riding who aren't going to school. Let's make sure that those who stay in school get the help while they're there.

**Mr Tony Martin (Sault Ste Marie):** I want to take a minute to commend the member for Toronto Centre-Rosedale for his impassioned speech on behalf of so many folks out there who are being impacted most directly in a very destructive way by the agenda that has been launched by this government, reflected in Bill 74 but certainly not started in Bill 74. I suggest that we'll probably see more as they fulfill the next three years of their mandate.

The member for Toronto Centre-Rosedale obviously speaks from a position of knowing personally of the plight of so many of the folks who live in his constituency. He's obviously in touch with them, hears from them and is giving them voice in this place so that perhaps through some fluke of fate somebody over there who has some influence might hear and make a real difference, bring some common sense to this piece of work that is nothing more or nothing less than another attack on teachers and on a system that they've put into stress in so many significant and different and hurtful ways over the last five years.

The member for Toronto Centre-Rosedale, in his own inimitable way, relates issues of poverty, relates issues of children with challenges of mental health issues who need the services that this government isn't providing so they can participate in a classroom and learn and become all they have the potential to become. This bill doesn't add or give anything in that respect, so I commend the member for bringing that forward.

1750

**Mr O'Toole:** I'm pleased to respond. Actually, it's our responsibility to respond in this particular Bill 81. I think it's important for the record to state that Bill 81 clearly states, "Decisions to expel a pupil are subject to appeal under section 311 of the act."

"Programs, courses and services for suspended pupils and for expelled pupils are authorized by section 312 of the act."

"Transitional rules governing suspensions and expulsions are set out in sections 313 and 314 of the act, and complementary amendments are made to" other parts "of the Education Act."

But if you look at the category grants that are available, the member for Toronto Centre-Rosedale clearly doesn't understand, and it's unfortunate that he hasn't spent more time on this to have a fuller understanding so he could contribute to the debate, rather than just have spurious, reckless comments of no value to anyone. The learning opportunities grant provides in excess of \$214 million for the very things you've been calling for. So don't try and beguile the people of Ontario. You've beguiled the people in your riding. They should rescind your mandate immediately, because you're not being straightforward with people.

This provides counselling, mentoring, classroom assistance, after-school programming and provisions for class size reduction. Clearly, this is long overdue. I'm just going to go to third-party endorsements here as quickly as I can: "We welcome the standardization of a code of behaviour. What we're looking for is something that will ensure the dignity, respect and well-being of all the students and staff," said Mars Bottiglia, superintendent of corporate affairs at the Ottawa-Carleton Catholic District School Board. There's a school manager with the courage to stand up.

I'm challenging the member for Toronto Centre-Rosedale to stand up and have the courage to support this bill, support students and teachers. Forget the politics that your leader, Dalton McGuinty, is always looking for blame. Here's one time to set that aside, George. Do the right thing and vote for Bill 81.

**Mr Bradley:** The last thing that the member for Rosedale would need is any advice from the government on political considerations, because I must tell you that there is no government that spends more time on things political than the present administration. In fact, at this very time, at the time when a meagre \$100,000 has been allocated to Walkerton—though I suspect after this week and the pounding the government has taken there will be more—they've spent \$100,000 there already on a new ad campaign aimed at the teachers of this province, using taxpayers' dollars. This government has spent \$200,000 on that and of course spent about \$100 million on what could only be called self-serving government advertising, rather than investing that money in education or in the environment.

You will recall, Mr Speaker, because you and I were on a television program on Global television—and I must commend you for the kind of independence you demonstrated at that time, which may certainly speak to the fact of why you might be in this chair today, other than the great competence you have as Speaker. But I recall that on that occasion you indicated—I don't want to put words in your mouth—that you thought there might have been a better way of communicating, a different way of communicating. I'll put it as benignly as I can.

I do want to say that when I heard the lecture from my friend from Durham about things political—this government has spent more on what you call blatantly partisan political advertising, using taxpayers' dollars, than any government I've ever seen. In fact, they spent money to attack teachers when they were dealing with Bill 160, again taking money out of everybody's pocket to attack members of the teaching profession. If they want to spend the Conservative Party's funds on that, that's their business, but not taxpayers' funds.

**Mrs Munro:** I want to come back to some of the issues that are actually in this bill. One of those has to do with the question of school uniforms. It's an interesting debate, because many schools, for hundreds of years, have introduced and continued the practice of having school uniforms. There's clearly a great deal of evidence

to suggest that having a school uniform in fact has a positive effect.

What we have done as a government is provide the opportunity for those parents in the parent council and people within that school community to assess the value of school uniforms and to look at whether or not their particular school would benefit. I have to go back to a particular example that I think demonstrates the value to the individual. Many have commented about the importance of having a uniform because it doesn't distinguish those students who can afford a wider range of clothing than others. More importantly, a school uniform demonstrates to students the sense of identity, which is one of the most critically fragile aspects of adolescent life. The opportunity to automatically be included is a very important motive for people to consider the whole issue of school uniforms, and I think it's a demonstration of this government's ability to recognize those issues in this legislation.

**The Speaker:** Responses?

**Mr Smitherman:** I'd like to thank the member for Sault St Marie more generously than I would the member from Durham, but also the members for St Catharines and from York North, for their comments. There was a range of comments there, and you all heard them. The real point is that I know I'm doing my job when I wake the government up over there and let them know that there's a different reality than the one they see, a different reality than the one that the Minister of Education, Dr Laura of the north, chooses to tell them about. It's a

reality that under this government, in the city of Toronto there are fewer resources in the education system than there were then. Yet in the city of Toronto we're expected to pay an inordinately high burden of taxes so the province can ship those around to other places to deal with the problems—all to finance a tax cut.

We hear from members of the government, most notably the Minister of Health, Jerry Maguire II, calling for fair share, and other ministers were on their feet talking about that today. But where's the fair share for kids who live in poverty and go to school in the inner city? It is sorely lacking. Yet when I raise that, the government gets their back up, because those dollars are being funnelled out of my downtown riding and away from the needs of kids from the inner city who do not come into life and do not wake up every morning with as much as many other people in this province. We always worked hard, through an adequately funded system of public education, to try to balance that out, and in the context of the city of Toronto they put more money into inner-city schools. Because of you and because of your funding formula, it is gone, and the chance that those kids had to play catch-up is diminished. It is diminished. You can argue that it is not, but I urge you to come with me into the schools and I'll demonstrate it to you. I'll show you that.

**The Speaker:** It now being 6 o'clock, this House stands adjourned until 1:30 of the clock on Monday.

*The House adjourned at 1758.*



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of Ontario  
First Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Monday 12 June 2000

Lundi 12 juin 2000

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 12 June 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 12 juin 2000

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### PHILIPPINES INDEPENDENCE DAY

**Mr Alvin Curling (Scarborough-Rouge River):** I stand today with this great privilege, on behalf of the Liberal Party of Ontario, of recognizing this special event, the 102nd anniversary of Philippine independence. For more than 100 years now, the Philippines have been a free, independent and democratic republic.

Philippines Independence Day is an important date in history not only for Filipinos but also for Canadian citizens of Filipino heritage. In recognition of the immense economic and cultural contribution that Canadians of Filipino heritage have made to the province and the country, the blue, red and white flag of the independent Philippines was raised earlier today. The colours of the Philippine flag represent the indomitable spirit of Filipinos amidst adversities. They have become a symbol of democracy and freedom. Though many of us take our democratic system of government for granted, the celebration of the establishment of the democratic Republic of the Philippines serves to remind us that we must be vigilant and guard it well.

This celebration also gives us a welcome opportunity to strengthen our bonds of friendship and participation. I congratulate all the members of the Filipino community in Ontario. All Canadians join with you in celebrating our anniversary of freedom and self-determination. May our cultural heritage and deep religious faith serve to guide you. Mabuhay ang Filipinas.

I also want to recognize all the wonderful Filipinos who are joining us here today.

#### VOLUNTEERS

**Mr John O'Toole (Durham):** Last Thursday evening was honoured to co-host with Janet Ecker the 2000 Volunteer Service Awards ceremony held in Whitby. It's a well-known fact that volunteers who put time and energy into their communities are making a significant contribution not just to their community but indeed to the province of Ontario.

Each year the Ontario government recognizes valuable volunteers with from five to 30 years of service with the

Outstanding Achievement Award, honouring exemplary performance, and the Volunteer Service Awards celebration of service.

The province also recognizes volunteer initiatives such as the Ontario screening initiative, safeguarding children, seniors and vulnerable adults. In addition, the Trillium fund's community- and province-wide grants of \$100 million annually also support such charitable organizations.

I'm proud to acknowledge the 38 out of 155 recipients that evening at the awards who live in my riding of Durham. Some of the nominating organizations that put forward the names include the Lions Club of Bowmanville and Newcastle, Cartwright public school community council, Clarington Community Care, the Ontario Working Dog Association, Newcastle and District Historical Society and the township of Scugog.

I congratulate all the volunteers who become involved in their communities in the region of Durham and personally extend my thanks for their service to our community. It is members like these who make our communities a better place to live and raise our families.

I'd also like to thank the staff at the Ministry of Citizenship, Culture and Recreation, specifically Nanda Cossika Byrne.

#### GOVERNMENT FEES

**Mr Ernie Parsons (Prince Edward-Hastings):** My statement today is to the Minister of Finance. This government in many ways has balanced its budget on the backs of the poor, the elderly, the young and the sick. However, I believe the government has reached a new low with its tax on orphans.

I have a young man in my riding whose parents were tragically killed in a car accident. The money from the insurance settlement was paid into court and is held in trust for him by the accountant of the Superior Court of Justice until he becomes of age.

He earns interest on this money, which the government taxes, and that's fair and normal. However, Minister, as of May 1, your government is charging him a special surcharge tax for every investment income credited to him and for every payment made out of his account, and indeed, an annual administration charge is now being added on to this orphan's trust fund account.

Whether you call it a user fee, a management fee or whatever, it is a tax on the orphans of this province. Surely, in our rush to balance the budget in this province,



we didn't have to, at the same time we were giving lower taxes to industry, offset that money with a special tax on those who have been unfortunately orphaned.

I call on the minister to immediately rescind that tax and place these most vulnerable citizens back on a level playing field rather than surcharging them because they have not the ability to fight back.

### ONTARIO WORKS

**Mr Brian Coburn (Carleton-Gloucester):** I would like to share with the assembly a success story from my riding of Carleton-Gloucester involving the Ontario Works program set up by our government. As members undoubtedly know, this program is a growing success story, as evidenced by experiences in my riding and other ridings across Ontario. This program allows people on welfare the opportunity to develop skills, make contacts with potential employers and give something back to the community.

On Monday, June 5, my colleague the Honourable John Baird, Minister of Community and Social Services, announced that the Ontario government and its municipal partners have created over 30,000 placements through Ontario's workfare program since its inception over three years ago. In fact, the actual number of placements is double the number from only one year ago, keeping Ontario on the right track.

Why is this program such a success? The answer indeed is simple: Workfare gets people into the workforce. It enables them to gain self-confidence, which they either never had due to a lifelong dependence on welfare, or which they lost due to difficult circumstances that forced them into welfare in the first place. This program is remarkable in the way it allows people to make positive contributions to society while breaking the cycle of dependence which long-term welfare dependency breeds.

The story I'd like to share with the assembly today is one that has touched my staff and I personally. Through Ontario Works, a young lady was given the opportunity to gain valuable experience while practising her administrative skills working two days a week in my constituency office. This hand up helped her gain the confidence, essential job-related skills and practical experience she needed to find herself a meaningful job. In fact, within two months of working in my office, this young lady had found herself employment that allows her to put her skills to work.

I am proud of this success story, and I truly believe the Ontario Works program is an excellent initiative, furthering our commitment to ensure that Ontario continues to be a province of jobs, hope and opportunity.

### HIGHWAY SAFETY

**Mr Pat Hoy (Chatham-Kent Essex):** I stand here today in horror and shock at the death of veteran OPP officer Sergeant Marg Eve on Highway 401 last week. My heart goes out to her family, friends and colleagues.

It is obvious that the accidents and the many deaths on 401 are not a coincidence. We have gone far beyond coincidence. This is a dangerous highway. If, for any reason, there is a problem on this killer stretch of road, there is no place to go. It is simply too narrow.

There has been more than a 1500% increase in fatalities over the previous 12 to 13 months. Speeding and aggressive drivers are a problem, but that is true anywhere. Why are the fatalities occurring here and now? People do not turn into maniacs only when they enter Carnage Alley.

We cannot second-guess this tragedy, but I urge the Minister of Transportation to immediately implement photo radar, at least in this dangerous stretch. Photo radar is an effective deterrent, and it does not require chasing cars on the road for the most frequent infraction, which is speeding.

The government must also proceed immediately, with the force of all its resources, to upgrade and widen this stretch of highway to protect the lives of motorists and our police officers. It could save the next life. Let's give our officers and all the driving public every safety advantage when they must be out there. Highway 401 must be wide enough, with level shoulders on both sides, so there's someplace to pull over safely in the event of any emergency.

How much public pressure will it take before the government listens and takes action?

1340

### WHISTLE-BLOWER PROTECTION

**Marilyn Churley (Broadview-Greenwood):** Last week I raised concerns expressed by people who work for the Ministry of the Environment that they are under a gag order and fear for their jobs should they speak out on Walkerton and cuts to the environment. Now that the public inquiry has been called, it is essential that whistle-blower protection be proclaimed.

Whistle-blower protection was passed by the NDP in 1993 and unfortunately was not proclaimed because we were still in the process of putting the commissioner in place. It's now seven years since that act was passed. The NDP has been calling on the government repeatedly over the past five years to proclaim this law.

Today we're calling on the government to immediately, without delay, proclaim part IV of the Public Service and Labour Relations Statute Law Amendment Act covering the area of whistle-blower protection, as passed by the House in 1993.

It goes without saying, now that the inquiry has been called and the Premier has said repeatedly he wants all the information on the table, that if he really means that, he will understand the importance of proclaiming this law today so that the workers, people who will be called forward to testify at the inquiry, will not fear for their jobs, as they do at this moment.

We call on the government to proclaim this law today

### SAINT PAUL HIGH SCHOOL

**Mr Bart Maves (Niagara Falls):** I am pleased to have the opportunity in the Legislature today to talk about an achievement of one of the high schools in my riding of Niagara Falls.

Saint Paul High School, of the Niagara Catholic District School Board, was presented the School.Net Award for Internet Site of the Week earlier this spring. School.Net is a national school Internet organization.

I had the opportunity to meet again recently with Nick Losimo from Saint Paul High School, who brought the Web site to my attention. After having the opportunity to browse through the Web site myself, it is easy to understand why this site won this very special award.

This interactive site provides visitors with the opportunity to take a tour of the school, view upcoming academic and sporting activities, read the school newsletter, read course descriptions and be made aware of any other school activities.

I would like to take a moment to congratulate the Web team at Saint Paul High School. The team is composed of students Robert Adams, Jamie Laslo, Vince Spianese, Christopher Massi, April Mullen, Orlando Bogue and Jason Shawana.

I would also like to congratulate teacher Robert Persio on his role as site coordinator and Mr Mike Echelse for his support as the network technician.

I would encourage everyone, especially constituents in my riding, to view the Saint Paul High School Web site at [www.niagararc.com](http://www.niagararc.com).

### OCUFA AWARDS

**Mrs Marie Bountrogianni (Hamilton Mountain):**

Friday, June 9, I had the opportunity to attend the annual awards luncheon of the Ontario Confederation of University Faculty Associations. This organization represents approximately 10,000 professors and librarians from university faculty associations across Ontario. It was a wonderful event, at which the outstanding work of Ontario's university academic staff was recognized.

In particular, I want to mention the following professor award winners: Denis Marshall from Queen's University; Deborah Britzman from York University; Duncan Hunter of the University of Western Ontario; Jo Jonker, Queen's University; Marilyn Laiken, OISE; Miroslav Lovric, McMaster University; Patricia McEwen, University of Toronto; Michael Munro, University of Ottawa; Judith Poe, University of Toronto at Mississauga; and Jim Silcox, University of Western Ontario.

What an irony, that while OCUFA is recognizing the excellence of the faculty of our publicly funded universities, this government continues to undermine these institutions by introducing private, for-profit universities through the back door. This will further erode the resources available to our public universities, including the

availability of faculty which will need to be replaced by the thousands over the next 10 years.

This government makes a mockery of our public universities and the outstanding faculty who contribute so much to the students of Ontario. This government is still deluded in thinking there is no connection between the well-being of our public institutions and the future prosperity of Ontario.

The Liberal caucus would like to congratulate these professionals and recognize their valuable contribution.

### MAYOR'S COMMENTS

**Mrs Brenda Elliott (Guelph-Wellington):** This Saturday's Hamilton Spectator reports that Dundas Liberal mayor John Addison has accused Wentworth-Burlington Conservative candidate Priscilla de Villiers of exploiting her daughter's death for political purposes. This is what the Liberal mayor said: "I just find it tacky and I think she's really out of line. If my son had been murdered 10 years ago, I certainly wouldn't be exploiting it to win an election. The introduction of her daughter is solely for political purposes and I find it distasteful." Later in the article he goes on to say, "I don't want to discuss her daughter. I don't want to hear about it."

If you put yourself in Priscilla's place, you can imagine the effect such an attack would have. In fact the article confirms the devastating effect that this assault did have on Priscilla.

While I hope Priscilla is able to properly respond in the future, I believe I speak for her and many others in public life when I say that most of us can look back and point to some specific personal event that prompted us to ultimately get involved in public issues and public life. We often hear speakers in this House return to specific events during debate that they refer to as having gotten them involved in politics. For some of us these events were as mundane as poor garbage pickup or unsafe crosswalks, but for others among us they were life-changing events that are not dimmed with the passage of time.

The mayor's disgusting and insensitive comments reflect poorly on the Liberal Party. I would suggest that Mr McGuinty, his candidate Ted McMeekin, and every member of the Liberal caucus owe Priscilla de Villiers a profound apology.

### INTRODUCTION OF BILLS

#### PUBLIC INQUIRIES AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LA LOI SUR LES ENQUÊTES PUBLIQUES

Mr Flaherty moved first reading of the following bill:



Bill 87, An Act to amend the Public Inquiries Act /  
Projet de loi 87, Loi modifiant la Loi sur les enquêtes  
publiques.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

The Attorney General for a short statement.

**Hon Jim Flaherty (Attorney General, minister  
responsible for native affairs):** I'll make a minister's  
statement later.

## MOTIONS

### HOUSE SITTINGS

**Hon Norman W. Sterling (Minister of Inter-  
governmental Affairs, Government House Leader):** I  
move that, pursuant to standing order 9(c)(i), the House  
shall meet from 6:45 pm to 9:30 pm on Monday, June 12,  
Tuesday, June 13, and Wednesday, June 14, 2000, for the  
purpose of considering government business.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry?

All those in favour of the motion will please say  
"aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### VICTIMS OF CRIME

**Hon Jim Flaherty (Attorney General, minister  
responsible for native affairs):** This statement is with  
respect to the commemoration of victims of crime. This  
government has consistently said that we stand solidly on  
the side of victims. I am proud to say that we have taken  
a leadership role in acknowledging and addressing their  
needs.

Our commitment to victims of crime is reflected in a  
series of announcements we have made every year since  
1995. In 1995 we enacted Ontario's historic Victims' Bill  
of Rights. The Victims' Bill of Rights was an important  
starting point for Ontario. It sent a clear signal that this  
government is committed to supporting victims of crime.  
It sent a clear signal that Ontario will show leadership in  
ensuring that our justice system understands and respects  
the needs of victims of crime.

This government has continued to build on this  
commitment. In 1996 we began the expansion of pro-  
grams to assist victims, such as the victim witness assist-  
ance program and the victim crisis assistance and referral  
service.

### 1550

In 1997, our Agenda for Action established a  
comprehensive and coordinated response to address  
violence against women, focusing on safety, justice and  
prevention. In 1998, Ontario created Canada's first  
Office for Victims of Crime to ensure that crime victims  
in Ontario would have a clear voice as we moved for-  
ward with improvements to the system and in services.  
Today, I would especially like to acknowledge the  
presence in the House of Sharon Rosenfeldt, who plays a  
vital role for victims as chair of the Office for Victims of  
Crime. This office is run by and for victims.

In 1999, our domestic violence justice strategy began  
the important process of doubling the number of special-  
ized domestic violence court programs to 16 across the  
province and enhancing justice-related victims' services.  
We also provide a range of other important services,  
including sexual assault centres throughout Ontario and  
our 24-hour-a-day victims' support line. In addition, we  
have hired more crown attorneys to ensure that the voices  
of victims and witnesses of crime are heard in the justice  
system.

In the current budget, we committed to a significant  
additional investment in safe communities, victims' ser-  
vices, law enforcement and crime prevention. This in-  
vestment totals \$111 million. Among new supports for  
victims are: \$10 million annually to increase the number  
of domestic violence courts by a further 50% to 24; \$10  
million annually for programs to help women and  
children who have experienced domestic violence; \$1  
million to permanently establish the Office for Victims of  
Crime; \$2 million annually to establish a specialized OPP  
team to fight crimes that target senior citizens; and \$5  
million annually for a prevention and intervention pro-  
gram to help teachers identify children at risk of neglect  
or physical or emotional harm.

But no matter how hard we try, we cannot make all the  
needed changes to help victims all by ourselves. This is  
because criminal laws are outside the province's control.  
Criminal law is set in Ottawa by the federal government.  
We have made considerable efforts to persuade the  
federal government in Ottawa that the needs of victims  
and public safety must be paramount. That is why I wrote  
to the federal Minister of Justice five months ago to urge  
her to amend the Criminal Code so that conditional  
sentences can never again be handed out for certain vio-  
lent crimes. To date, there has been no legislative action  
by the federal Liberal government.

In the wake of federal Liberal inaction, a directive has  
been issued by my ministry to assist prosecutors in mak-  
ing appropriate sentencing submissions. We believe that  
violent offences, including sexual offences that cause  
psychological or physical harm, sexual offences against  
children and driving offences causing death or serious  
bodily harm, require sentences that deter and denounce  
these crimes. The federal Liberal government must fol-  
low our lead and make protecting victims a priority.

The changes we have made give victims a voice in the  
justice system. At the same time, we must not forget the

voices of victims and the traumas that affected their lives. Yesterday, we honoured victims on Ontario's annual day of commemoration for victims of crime, which coincides with the anniversary of the proclamation of the Victims' Bill of Rights. In memory of those who lost their lives to violent crime, Ontario government-owned buildings flew flags at half-mast.

I represented the government in a ceremony held yesterday at Nathan Phillips Square in Toronto. Among the speakers were Priscilla de Villiers, founder of CAVEAT, and Debbie Mahaffey from the Office for Victims of Crime. These two women, and Sharon Rosenfeldt, who I introduced earlier in my remarks, perform valuable work and have given a voice to victims who, for the longest time, were silent in their suffering.

Today, I ask that we pause and reflect upon the loss, the pain and the suffering of those in our communities who have been victimized by crime and that we celebrate the courage, the hope and the strength of these victims and their families, who inspire us with their determination and their faith.

This government has heard the voices of victims and we have reflected upon the voices of those silenced by crime. We commemorate victims of crime in Ontario. They are in our prayers, and I know that all members of this House join me in honouring their struggle and their courage.

Mr Speaker, would you see fit to ask all members to rise for a minute of silence in commemoration of victims of crime and their families in Ontario.

**The Speaker (Hon Gary Carr):** Agreed? Agreed. Would our visitors in the galleries join us as well for a moment of silence.

*The House observed a moment's silence.*

#### WHISTLE-BLOWER PROTECTION

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** This statement relates to the bill which I introduced a few moments ago.

What happened in Walkerton is a tragedy that must not be repeated. That is why it is so important that a full, open and public inquiry review what went wrong and why, and make recommendations that will avoid similar tragedies in the future.

The people of Walkerton demand answers; the Ontario public demands answers; Premier Harris and this government want answers.

On Friday, I was pleased to announce that Mr Justice Dennis O'Connor of the Ontario Court of Appeal has agreed to accept an appointment as a commission of inquiry under the Public Inquiries Act. Justice O'Connor is an eminent jurist and I am happy that someone of his reputation and stature has agreed to assist in this important inquiry.

The Chief Justice of Ontario, the Honourable Roy McMurtry, was involved in the selection of Justice O'Connor and has agreed to make his services available

for the duration of the inquiry. I thank the Chief Justice for his assistance in this regard.

As members will be aware, the appointment of a commission of inquiry is made by cabinet through order in council. That order will set out the terms of reference for the commission's work. I am still in the process of consulting with Mr Justice O'Connor about those terms of reference. I want to make sure that he is satisfied that the terms give him a free hand to look into everything needed to get to the bottom of this issue. I expect to announce the formal appointment by cabinet, including the terms of reference, tomorrow.

As Premier Mike Harris has already pledged, once the inquiry is formally launched, this government will co-operate fully. All members and employees of the Ontario government will be directed to furnish Justice Dennis O'Connor with whatever information or documents he requests. This is an important point. Ministers and staff will not be invited to co-operate, they will be directed to co-operate.

Further, a few minutes ago I introduced legislation that would protect any employee who participates in a public inquiry. If passed, the law would prohibit employment-based reprisals against anyone who discloses information in good faith to a commission established under the Public Inquiries Act. In particular, the proposed amendment to the Public Inquiries Act would, if passed, protect an employee who in good faith discloses information to a commission or makes representations as a party to a public inquiry, and make it an offence for an employer to discipline or dismiss an employee who engages in one of the above activities. Contravention would result in a fine of up to \$5,000.

It is proposed that the bill, once it becomes law, if passed by this Legislature, would apply effective June 12, 2000, that is, today. It is important to note that these protections would extend not only to Ontario government employees but to people employed anywhere.

We all want answers. We are committed to getting to the bottom of this issue. In closing, I encourage all members of the Legislature to support this important legislation, and I ask for their co-operation in ensuring quick passage.

1400

**Mr Dalton McGuinty (Leader of the Opposition):** I want to take the opportunity to congratulate the government for taking my advice. While this is a step in the right direction, it is—and I think it's important to see it in the proper context—only a half-step. What it will do is ensure that employees who have something to tell us with respect to the Walkerton tragedy can step forward and do so without fear of reprisal. I am convinced that this legislation will do that.

But what we really should do here is ensure that those employees who have something to tell us in the future, related to any matter that affects the health and safety and well-being of Ontarians—that any employee in the provincial government has an opportunity to do so. It shouldn't have to be in connection with a particular



public inquiry. That protection should be afforded to all civil servants at any time should they wish to step forward because they feel they have important information and it's in the public interest that that information be shared because failure to put that information forward would present a real danger to the people of Ontario.

While this government has taken a step in the right direction, it is only half a step. On top of that, there is a law that could be proclaimed into force by the end of the day—it is there, it is waiting—and that would represent a full step and would really do justice to this apparently shared interest we have in protecting our civil servants who want to step forward and provide important information in the public interest.

### VICTIMS OF CRIME

**Mr Michael Bryant (St Paul's):** It is sometimes said that the role of the official opposition is to force wind into the sails of government. On this day, with the introduction of this bill, we can say that Dalton McGuinty has pronounced on this issue with the force of a hurricane.

With respect to the Attorney General's statements on victims' rights, I wish we had more time and more opportunity.

#### *Interjections.*

**Mr Bryant:** It's difficult to hear over this cacophony of incoherence, but I will tell you this: I have listened to the voices of victims across this province as well, and here's what they've said. MPP Ernie Parsons and I met with the sexual assault centre in Quinte and district. I can tell you that they're not getting the stable funding to ensure they get the sexual assault crisis line they deserve. That's something this government could be doing for victims, but they're not.

I also met with the Nova Vita women's shelter, ably represented by David Levac, and as Mr Levac explained to me, they're not getting the funding for second-stage housing. In fact, they're not getting enough funding at all. They have to fundraise in order to get by. This government, which talks the talk about victims, needs to back it up with the appropriate investment so that victims are getting the access to justice and are getting the access to bail hearings, so that victims are getting the access to their legal rights that are created in order to permit them to fulfil these rights, and not just talk about them in the Legislature.

At the Haldimand-Norfolk women's services in Simcoe, they explained to me that they are getting no victims' access to bail hearings. At the Cayuga courthouse, the victim proximity is right next to the accused. The whole purpose of the victims' rights movement, amongst other things, thanks to some of the people who are here today, was to ensure that in the courts victims are treated appropriately, that victims aren't silenced, that victims get the opportunity to speak. In not all parts of this province is that the case. That's something this government could be doing.

I would be remiss without mentioning two further items. First, with respect to the Grandview survivors, yet again call upon the Attorney General to release the internal government report of 1976, which will permit the full story to be told for these victims and for all those Ontarians who have grown up with this tragedy.

Last, how can we talk about victims' rights in this province without acknowledging that we rank fifth in the world in terms of children who are the victims of gun violence? Yet this government is positively in the holster of the gun lobby. On behalf of the victims of gun violence, it's time for this government to get out of the holster of the gun lobby and start acting for Ontarians.

### WHISTLE-BLOWER PROTECTION

**Mr Howard Hampton (Kenora-Rainy River):** I want to respond to the Attorney General's announcement regarding the participation of public employees and other employees in public inquiries. I want to say to the Attorney General that two weeks ago I sent you a letter advocating that you should put this into the actual terms of reference of the commission of inquiry, and while I consider the legislation you have introduced today to be a step forward, I would still urge you to put this language into the terms of reference of the public inquiry.

As you know, this Legislature is scheduled to sit only until June 22, and your government has been known to allow important pieces of legislation to fall off the order paper before. So while I am pleased that you have introduced this legislation, I hope you will put similar language in the actual terms of reference of the inquiry so that there can be no doubt and so that the commissioner of the inquiry, from the inception of the inquiry, will be able to take that language and apply it within the civil service, within government agencies and elsewhere in quasi-government agencies.

The fact that you're prepared to pass this into legislation sometime down the road does not do away with the need to have this very language—and I suggested language even stronger than this in my letter to you—in the terms of reference of the commission of inquiry.

I find it interesting that you have chosen to proceed by way of legislation rather than putting it in the terms; I hope still that you'll put it into the terms. I want to say again, I hope you'll put some other things in the terms of reference of the inquiry, most specifically the need for a very early interim report from the commission of inquiry, because as you know, Mr Attorney General, sometimes in the past governments have allowed commissions of inquiry to go on for four or five years. That may be necessary to sort through all the information, but to deal with the immediate tragedy and crisis, it will be necessary to have an interim report from the commissioner. I would suggest an interim report by this time next year. I say again, I hope in the interests of getting all of the information and getting the information out such that it arrives in a pertinent, relevant way, that you'll include that in the terms of reference of the inquiry.

I want to say as well to the Attorney General that we have our suggestions to you on what should be included in the terms of reference of the inquiry. We've heard nothing back from you other than this statement today that you're going to proceed by legislation.

I would have hoped that you would have stood in your place today to tell us what advice you've accepted and what the terms of the inquiry are that you are thinking about at this point in time. I think you need to do that, and I'm calling on you to do that further before setting out the terms in an order in council.

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### VICTIMS OF CRIME

**Mr Peter Kormos (Niagara Centre):** I want the Attorney General to know that we join with him and the government in commemorating the victims of crime, of course. It's a most serious matter, and it causes some concern when I listen to the Attorney General and find his comments marred firstly by the clear partisanship of them as he participates in an upcoming federal election campaign, but it's of even greater concern when he leads off with reference to his government's Victims' Bill of Rights.

We should be commemorating as well the anniversary of Mr Justice Day's ruling here in the province of Ontario, which said that that piece of legislation contained within it no rights; that it, in effect, wasn't worth the paper it was written on. We've seen that impacting on victims and their positioning through the court system ever since 1995.

Bradley and I raised cases from Niagara, Ms Even and Ms Vanscoy, both from the Niagara region, who had very clearly been denied rights. As a matter of fact, it was their litigation that made it clear in our courts that this government not only hadn't stood up for victims with their Victims' Bill of Rights, it clearly had abandoned them. In the course of 13 months now, it has made no effort to redress the serious errors contained in the Victims' Bill of Rights, errors that were pointed out during the course of second and third reading debate here in the Legislature by the members of the opposition parties and warnings that were given to this government.

I say to you, Attorney General, if you were really serious about victims and rights, you'd be introducing a new Victims' Bill of Rights with teeth, that would give victims the rights that they deserve in this province.

### MARGARET EVE

**Mr Dave Levac (Brant):** Mr Speaker, on a point of order: I sadly rise today and seek unanimous consent of this House to quiet ourselves and ask for a moment's silence for Margaret Eve, who has unfortunately died as a result of an injury that was received while on duty as an OPP officer in the Chatham-Kent area.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed. Will all the members and our guests in the galleries kindly join us for a moment of silence.

*The House observed a moment's silence.*

**The Speaker:** I thank all members and our guests.

The member for Parkdale-High Park on a point of privilege.

### GOVERNMENT ADVERTISING

**Mr Gerard Kennedy (Parkdale-High Park):** I rise today on a point of privilege. As required by standing order 21(c), I filed the appropriate notice with your office this morning and I would like, very quickly, to make my case.

The point of privilege I wish to make arises from a radio advertisement that's currently running on radio stations around the province of Ontario. It is an ad paid for by the government of Ontario using public funds. This is the text of the advertisement: "After-school activities like sports, choir and science clubs are important to Ontario's children. Unfortunately, once again, our kids are facing the threat of having these activities cancelled. We don't believe that children should be used as bargaining chips by teachers' unions. That's why we, the government of Ontario, are taking action to ensure that these important activities are provided to our children, because we believe in putting kids first. A message from the government of Ontario."

It is my submission to you, Mr Speaker, that this advertisement is in contempt of this Legislature. Erskine May explains the concept of contempt in the following terms:

"Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as contempt even though there is no precedent of the offence. It is therefore impossible to list every act which might be considered to amount to a contempt, the power to punish for such as offence being of its nature discretionary...."

"Indignities offered to the House by words spoken or writings published reflecting on its character or proceedings have been constantly punished by both the Lords and the Commons upon the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them...."

"Other acts besides words spoken or writings published reflecting on either House or its proceedings which, though they do not tend directly to obstruct or impede either House in the performance of its functions, yet have a tendency to produce this result indirectly or by bringing such House into odium, contempt or ridicule, or by lowering its authorities may constitute contempt."

I think this ad pertains to rulings that have been made previously in this Legislature, for example, the important



ruling by former Speaker Stockwell on January 22, 1997, involving a government pamphlet outlining its plans for reforming municipal government in the city of Toronto. The opposition indicated then that the advertising occurred in advance of consideration by the House of legislative measures that would be necessary to implement the reform agenda in advance of public hearings on these measures.

In this case, Speaker Stockwell ruled that the government advertising was in contempt of the Legislature, and I quote:

"In my opinion, they convey the impression that the passage of the requisite legislation was not necessary or was a foregone conclusion, or that the assembly and the Legislature had a pro forma, tangential, even inferior role in the legislative and lawmaking process, and in doing so, they appear to diminish the respect that is due to this House. I would not have come to this view had these claims or proposals—and that is all they are—been qualified by a statement that they would only become law if and when the Legislature gives its stamp of approval to them."

Mr Speaker, it is my assertion that this is also the case with this ad. It suggests we do not live in a democracy where debate about legislation matters or where hearings matter, where the public can come forward with views and have their views listened to and which may lead to changes in the legislation.

This ad pertains specifically to Bill 74, a bill that, when these advertisements started in heavy rotation at various radio stations around the province, was actually in minuscule hearings dictated by a closure motion put forward by this government. That closure motion limited public input. It had the effect of restricting it to two hours. This is actually the wording and the specificity put in the closure motion: two hours in the city of Barrie and one day, a Friday, in the city of Ottawa—10 hours in total.

There is no question that these advertisements took place deliberately at the same time that very minor opportunities were being provided to the public to have the same effect: to cloud over the participation, and the demand of the public to participate, in the said hearings. There was no qualifying statement in the ad that the government's changes or action will only become law if passed by the Legislature.

In his ruling Speaker Stockwell noted that previous Speakers had "strong words" for ministers or the government of the day on the subject of government advertising. He stated, "It is not enough for yet another Speaker to issue yet another warning or caution in circumstances where the wording or circulation ... cross the line ... that a reader of that document could be left with an incorrect impression that undermines respect for our parliamentary institutions."

It is not enough that another warning be issued today. In the run-up to the provincial election last year, this government spent over \$100 million on government

advertising of a purely partisan, political, self-serving nature.

The Provincial Auditor has now more than once called upon the government to establish advertising guidelines. In a March 1999 letter to the Liberal House leader, Jim Bradley, Auditor Peters wrote, "I believe it would be in the interest of improving public accountability, for the government and/or the Legislature as a whole, to consider the establishment of principles, guidelines and criteria that clearly define the nature and characteristics of taxpayer-funded advertising."

In his annual report to the Legislature last fall, the auditor reiterated his concerns with government advertising and again advised the adoption of guidelines: "With respect to the wide public debate on the subject of government advertising, we believe it would be in the interest of improving public accountability for the government and/or the Legislature as a whole to consider the establishment of principles, guidelines and criteria that clearly define the nature and characteristics of taxpayer-funded advertising."

The auditor also revealed in his report that in December 1998 he had sent a letter to the government expressing his concerns and providing the government with information on this matter. Mr Peters has emphasized the highly unusual number of inquiries he has received questioning the use of public funds for certain advertising and public communications campaigns.

As well, Speaker Stockwell expressed his grave concerns about this government's use of advertising.

"At this point in my ruling, I want to express some personal concerns about the propriety of public funds being used to advocate, through advertising, a particular position on a matter that is before the House. Let me be clear: I am not speaking about politically paid-for advertising, but rather about funds that are contributed to by every Ontarian, regardless of his or her political view. Personally, I would find it offensive if taxpayer dollars were being used to convey a political or partisan message. There is nothing wrong with members debating an issue and influencing public opinion; in fact, it is part of our parliamentary tradition to do so. But I feel that it's wrong for a government to attempt to influence public opinion through advertising that is paid for with public funds."

We had a controversial bill, Bill 74, put into a closure motion with limited, precious time for public debate. I would add, not a dime of public expenditure was spent to advertise those hearings. Yet we have varying accounts of from \$200,000 to \$500,000 worth of advertising being spent at the very selfsame time that the public is supposed to be participating in these parliamentary-mandated hearings.

1420

In point of fact I would submit to you, Mr Speaker, that the conjunction of those two things: heavy rotation advertising—and I would counsel you to look at the wording of the ad, because it talks about action already taken by this government without regard for any parlia-

entary authority. But it also takes place in a medium, radio, that is measured by impressions. I would counsel that it matters that this government bought a heavy rotation of impressions on radio at the same time as it's trying to submerge the actual public hearings and their availability to the public—their access to us, their elected representatives, to consider, to listen, to have some regard for their point of view, to perhaps change what they in their wisdom tell us needs to be improved about this particular bill.

Instead we have this blanket of paid-for, government-funded—not partisan-paid-for, not paid for by the Progressive Conservative Party, but government, taxpayer-funded advertising subverting the effect of those hearings and the access that the public has to this bill.

I would like to close by quoting Speaker Fraser in Ottawa on the subject of government advertising: "We are a parliamentary democracy, not a so-called executive democracy, nor a so-called administrative democracy." This ad ignores that reality.

I submit to you, Mr Speaker, that this advertisement does constitute a prima facie case of contempt. I ask for your urgent and serious consideration. We rely on you to be protected from this government when it abuses its power to have a circumspection around public debate on the matters of the day, the very job we are all sent to stand in our place and conduct here in the first place.

**The Speaker (Hon Gary Carr):** I thank the member.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** Mr Speaker, on the same point: First of all, there was no closure moved on this bill. There was a time allocation motion put forward with regard to this bill which was included in our standing orders—

*Interjections.*

**The Speaker:** You can heckle on other things. I do need to hear this. All sides waited patiently while their member did this and went through the detail of it. A point of privilege is a very important matter, and I can't hear it if other people are yelling. So I would appreciate the indulgence from all members.

**Hon Mr Sterling:** There was a time allocation motion moved. The provision for it was included in our standing orders between the years 1990 and 1995 by the previous government.

The ad, as I understand it, says that the government is taking action, and we are taking action on a number of fronts. A number of negotiations have gone on in meetings between the ministry, as I understand it, and various boards, meetings with teachers, to try to resolve disputes in the past which denied young people extracurricular activities across this province. We tried in the past to prevent the taking away of a very important part of a young person's education, and this government has taken action in the past with regard to doing that.

There is nothing in the ad which makes a presumption that the legislation is law or has passed, or that this Legislature has done something that it has not already done. You could in fact characterize the introduction of

the piece of legislation, the first reading of this bill, as taking action. That is a matter which has already taken place. Surely the government is not shackled by the standing orders or the rules of this particular Legislature in not being able to put forward what its policy is from time to time and wanting to take action with regard to a particular matter. That can be in the form of a whole range of ways that the government can take, but, Mr Speaker, I believe if you read and get the text of these ads, you will find there is no presumption that this Legislature has done anything or will do anything in the future.

We are proud of the fact that we are taking action in this matter. We are proud of the fact that we are going to restore and assure that extracurricular activities for the young people across this province will continue to be part of the normal education system.

**The Speaker:** I thank the member for his input. I will reserve judgment on that. If the member for Parkdale-High Park has any transcripts that would be helpful to pass along, that would be helpful as well. I thank all the members for their input.

## ORAL QUESTIONS

### WATER QUALITY

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. I want to return to this memo of January 2000 prepared by the water policy branch of the Ministry of the Environment, a very important document that your government sat on since January of this year.

One of the statements made in this leaked memo says, "A number of smaller municipalities do not comply with the minimum monitoring and reporting requirements." That information is of real concern to many Ontarians today. They're wondering, and I think they've got a right to know, if they're on that list. Are they today living in one of those smaller municipalities which is not living up to its responsibilities when it comes to monitoring and reporting?

Premier, will you now release a complete list of the municipalities that are failing to meet their minimum standards for drinking water?

**Hon Michael D. Harris (Premier):** The Minister of the Environment can respond.

**Hon Dan Newman (Minister of the Environment):** As I indicated two weeks ago, a review of all certificates of approval for all water treatment facilities in our province is underway; approximately 630 facilities in our province are being looked at. I have indicated that all those certificates of approval would be reviewed by the end of the year. In addition to that, inspections would be done of all facilities in the province to ensure that each and every facility in our province is in compliance. If a facility is found not to be in compliance, a field order



would be issued and measures would be taken to bring that facility back into compliance.

**Mr McGuinty:** Minister, a memo was prepared in your ministry in January of this year and it talked about a number of smaller municipalities which aren't doing everything they should be doing to make sure their community members are getting safe drinking water. Today Ontarians want to know which communities are on that list. They want to know why you won't provide them with that list. They believe they've got a right to know who is on that list.

Do you know what I want to bring to your attention here? Back in 1994, Mike Harris, in dealing with a matter that dealt with drinking water, said the following: "We too ... think it is the minister's responsibility to notify the public when they are at risk or potentially at risk." That's what your Premier said. He believed, at the time at least, that it was important to disclose information about safe or unsafe drinking water.

Minister, why won't you provide the people of Ontario today with that secret list you've been sitting on that lets us know whose water today is not safe?

**Hon Mr Newman:** Again, there are the four investigations underway, including the public inquiry.

Water is tested in our province. Populations of under 100,000 have their water tested a minimum eight times per month plus an additional test for every 1,000 of population. Populations in excess of 100,000 have 100 tests done per month, with an additional test for every 10,000 of population.

I can tell you that all the investigations that are underway are obviously going to find answers. That's what everyone in Ontario wants: answers to what happened in Walkerton.

**Mr McGuinty:** The answer I want has to do with who is on a list prepared and presented to your ministry by your employees that outlines in detail those small Ontario municipalities that are not doing the minimum monitoring and reporting requirements. That's what Ontarians want to know today.

1430

Walkerton is huge news. Seven people died there. Ontarians right across the province have had their confidence shaken in their own drinking water. On top of that, last week we found out that there was a memo prepared, presented to you and your ministry, which provides a list of small municipalities that have not been able to provide their residents with safe drinking water. On behalf of all of those Ontarians living in all those small communities, why will you not today produce that list?

**Hon Mr Newman:** That's why all certificates of approval are going to be reviewed for all water facilities in the province. That's why inspections of the plants are going to take place by the end of the year—some 630. Those sites that are not in compliance will be brought into compliance.

**The Speaker (Hon Gary Carr):** New question.

**Mr McGuinty:** My question is to the Premier and it has to do with the same subject. When we've been talking about this issue, Ontarians have been sorely disappointed in the approach brought by this Premier and this government to this terrible tragedy. This government is into laying blame elsewhere, it's hiding vital information and it is now refusing to act on information to which it alone is privy.

One of the things that frightens me most when it comes to this issue is that there is no law in Ontario which would mandate safe water. The minister understands that; the Premier understands that. We have directives, we have guidelines, we have objectives, none of which amount to anything in a court of law. We don't have, today in Ontario, an Ontario safe drinking water act. Premier, will you now commit to passing in Ontario an enforceable Ontario safe drinking water act?

**Hon Mr Harris:** The tragedy in Walkerton is something that certainly has touched us all and is a very serious situation. It is a tragedy, and I have to tell you that our government has responded very quickly. I think within the first day the Legislature sat, the minister made a statement of reinforcing the requirements of all municipalities. We sent a signal that we will do everything possible to get to the bottom of what happened in Walkerton. We've made it very clear that we'll leave no stone unturned in not only getting to the bottom of this inquiry but ensuring that we can restore confidence, not only to the people of Walkerton but to all citizens of the province.

There is a review underway. If legislation is required, we'll pass legislation. If more money is required, we'll have more money. If more people are required, we'll have more people. We've said there is absolutely nothing we're not going to do to restore confidence in clean water throughout the whole province.

**Mr McGuinty:** Premier, if you are dedicated to restoring confidence in Ontarians when it comes to the safety of their own drinking water, then why won't you commit today to passing an Ontario safe drinking water act, something with real teeth in it, something that will be enforceable, something that will ensure that any contraventions that might have happened in the past would be against the law in Ontario from here on in?

My greatest concern is that this public inquiry is going to conclude and that it will determine that from a purely technical perspective, nobody broke the law in Ontario when it came to the Walkerton tragedy because all we have on our books are objectives, guidelines and directives. What we need, and what Ontarians want by means of reassurance, is an Ontario law that will provide them with the necessary confidence that there is now a law on the books that requires that safe water be delivered and that talks about the responsible parties. We committed to this, by the way, at the time of the last provincial election. I'm asking the Premier, on behalf of all those Ontarians who have had their confidence shaken in the safety of their water, why will he not commit to passing

that kind of legislation, with teeth in it, that will make safe water, for the first time in Ontario, enforceable?

**Hon Mr Harris:** I think the member would agree that the inquiry by the Ministry of the Environment, the coroner's inquest, the judicial inquiry, all of the reviews are designed to do just that: Are there rules and regulations in place that were followed? Are they not followed? Are they enforceable? Should we have enhanced legislation? Would legislation give it more force of law? I realize that you've made all your conclusions already, but we intend to wait for the Ministry of the Environment to report. Should it be deemed advisable that this will enhance protection, I think it's a good idea, and of course we will proceed. But we're not going to proceed willy-nilly; we're not going to proceed in a knee-jerk fashion. We would like to proceed in a logical way, seeking all the expert advice we can, including the advice that—since you have already come to your conclusion.

**Mr McGuinty:** Premier, last week you were singing a different song. Last week when you were asked by a reporter, "Have you taken any preventative measures?" you said, "I'm not waiting for any inquiry to fix any problems we may see in any part of the system." This is a huge problem. Ontario doesn't have a safe drinking water act on the books. There is no law in Ontario today—and I'm sure Ontarians would be shocked to learn of this—that mandates safe drinking water. We have directives, we have guidelines and we have objectives. That is the painful truth, reluctant though government members may be to admit to this.

Premier, you said yourself just last week you're not going to wait for any inquiry to do what has to be done. I can tell you what has to be done to begin to restore some confidence of Ontarians in their own drinking water and to restore some sense of sanity when it comes to protecting Ontarians from contaminated water. Why would you not commit to passing today in Ontario, introducing at the earliest possible opportunity, a safe drinking water act?

**Hon Mr Harris:** I honestly don't believe it's helpful to have nonsensical fearmongering. There's lots of legislation, there's lots of regulation, there are lots of rules and procedures that are to be followed. It is certainly against the contract of employment to not follow those rules and regulations and it is against the law, of course, to break the law.

I would say I appreciate the advice of the member and I appreciate the advice that we will receive from the review that's taking place right now in the Ministry of the Environment. As soon as we have information, we will release it. As soon as we have anything that we think will improve confidence in the water system, as soon as we have anything that we think, whether it's legislation—call it a safe drinking water act—in addition to the other legislation we have, or call it regulation or call it procedure, we will act on it.

## MINISTRY OF THE ENVIRONMENT

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. Residents of many Ontario communities are worried about the safety of their drinking water. In Rocklyn, which is southwest of Owen Sound, residents have learned that they have high levels of E coli contamination in a number of wells that serve over 30 homes. Your government has known about this since February, but a Ministry of the Environment spokesperson has said that the MOE doesn't have the resources, the staff, to investigate the problems in Rocklyn until the serious situation in Walkerton is dealt with.

Premier, will you admit that when you told the citizens of Ontario on May 29 that the cuts to the Ministry of the Environment had no impact on the delivery of service, in particular the delivery of quality, clean, safe water, you were wrong in saying that? And will you instruct your government to deal with this serious problem in Rocklyn right away and restore the resources to the Ministry of the Environment so they can do that? Would you do those things?

**Hon Michael D. Harris (Premier):** If there are specifics, I'll ask the Minister of the Environment to respond in supplementaries. Let me say if there's any situation anywhere in the province that needs investigation, we have made and will make available every resource and every professional and every body that we can find anywhere in the world to solve the problem. That's our commitment.

1440

**Mr Hampton:** Here's the problem: You're out there saying that cuts to the Ministry of the Environment haven't affected the capacity of staff at the Ministry of the Environment to protect our drinking water. There is a serious problem in Rocklyn. The Ministry of the Environment has known about it since February. Today a spokesperson for the Ministry of the Environment said: "We can't do it now. It'll have to wait until later. It'll have to wait until it would be the earliest convenience for staff to do it." Premier, he's contradicting what you said. My question is: Who's right here?

Ministry of the Environment staff, who are supposed to be out there protecting drinking water, are saying clearly, "We don't have the staff." That's why Rocklyn has to wait. That's why they've been waiting since February. They've been waiting since before the tragedy happened at Walkerton, and you're saying there's no problem.

Premier, do you still believe your cuts to the Ministry of the Environment haven't had an effect on the capacity of your government to ensure the citizens of Ontario that their drinking water is safe?

**Hon Mr Harris:** I think I made it very clear that this government has taken actions to improve the efficiency of the delivery of services in all ministries, including the Ministry of the Environment.



On the other hand, we clearly have a serious problem in Walkerton, which has led to seven deaths and a number of people being injured. So, quite correctly, we have asked for an internal review of all government actions, of Ministry of the Environment actions. We've asked for a coroner's inquest and for a judicial inquiry to review. If you have specifics vis-à-vis Rocklyn, I'd be happy to look into it.

**Mr Hampton:** Premier, in 1997, Ministry of the Environment officials told your government that there were problems ahead in terms of drinking water. That's on the record. In January of this year, Ministry of the Environment officials put forward a paper which said there are serious problems. They were almost clairvoyant on the scenario that happened in Walkerton. Your government now says you didn't see it, you didn't hear about it and you don't want to know about it.

Here's another example, Rocklyn. They have known about E coli in the water since February, before the Walkerton tragedy happened, and your Ministry of the Environment officials are saying clearly and simply: "Sorry, we don't have the staff to do this job. You will have to wait."

Premier, how many other communities like Rocklyn will have to wait because the Ministry of the Environment doesn't have the staff and the expertise to do the job any more, and how long will people have to wait before you admit that your government cut the staff and cut the expertise and that's why there's a problem? How long do people have to wait?

**Hon Mr Harris:** When it comes to clean water, nobody should have to wait. You brought forward an example; I'd be happy to look into it. If there is a problem with the water in Rocklyn, if there's any doubt, they will not have to wait. We will get on to it. If there are other examples, we will respond as well.

The Ministry of the Environment and the minister himself can talk to you about priority areas and placing priorities. Clearly if there is one person anywhere in the province, anywhere within our jurisdiction—I can't speak for some of the federal jurisdictions and native reserves, but we would be happy to assist there as well; I want to be as inclusive as I can. If there's any person threatened anywhere and a concern about drinking water, then we will immediately look into it.

**The Speaker (Hon Gary Carr):** New question.

**Ms Marilyn Churley (Broadview-Greenwood):** Premier, as my leader has already told you, your government has known about this problem in Rocklyn since at least February and you haven't acted.

On May 29 you told this House that cuts to the environment ministry had no impact on the delivery of service. I have letters from May 1996 and January 1997 from the assistant deputy minister in charge of operations at the environment ministry about the elimination of 752 positions, 279 of them inside the operations division. It tells us, "Staff reductions have been made in the investigations and enforcement branch." It goes on to say,

"These measures will have an obvious impact on the amount of work we can accomplish."

Premier, I'm going to ask you again: Will you admit at least that you misspoke on May 29, or do you want to blame your staff again?

**Hon Mr Harris:** I think, by way of calling the inquiries—look, we're asking for a review of every action that has been taken by this government vis-à-vis the Ministry of the Environment over whatever period of time you, those interested or the commissioner deems appropriate, and clearly that will be the appropriate vehicle to look at it. I can repeat to you that at no time has this government ever taken an action that we felt would ever jeopardize water, water quality, safety of people in the province. I think common sense would tell you we would not do that.

**Ms Churley:** Premier, you were warned by your own staff that your cuts were going to have an impact on your ability to keep our drinking water safe. That's on the record. These letters I referred to were written by the ADM in charge of operations at MOE about the cut of 752 staff. She writes, and I quote: "I wish I could tell you that the surplus notices issued today are the last we will issue for the foreseeable future. Unfortunately, this is not the case." There's even a section anticipating questions from ministry staff themselves: "Why, when we are the front-line program delivery arm of the ministry, did our division take such a big hit?" The answer: "The savings required to be made by the ministry were allocated across the divisions."

Premier, she was talking about you. You made those decisions. You can't blame your staff for this one; it was your decision to make these cuts. Are you waiting for another tragedy such as happened in Walkerton before you will admit you were wrong and restore the cuts?

*Interjections.*

**Ms Churley:** Premier, don't wait until the end of an investigation. You know the cuts are hurting your ability to do the job. Tell us today that you'll restore those staff to the ministry immediately.

**Hon Mr Harris:** I think it's pretty public knowledge we made a number of reductions. In fact, we campaigned and committed to bail the province out of bankruptcy that your party left us in. We would have to find efficiencies. We would have to find savings. We would have to find more efficient, more effective ways of delivering programs. Obviously not everybody agreed with that. Not everybody in the civil service agreed with that, and I think there was a 40-day strike by a number of members of the civil service, saying, "We disagree with that."

On the other hand, we've made thousands and thousands of decisions to get this province back on track, to get more effective delivery of services. I was told, for example, by your party you couldn't cut taxes and balance the books. Lo and behold, we cut taxes and balanced the books ahead of schedule. There are lots of people who disagree with our government and our policies and our party, and I appreciate and understand that.

What's important here is that we get to the bottom. Has any action this government has taken, has any action a municipal government has taken, has any action a lab has taken, has any action an individual has taken, contributed to the tragedy at Walkerton? If so, how can we find that out and how can we—

**The Speaker:** Order. I'm afraid the Premier's time is up.

## EDUCATION LEGISLATION

**Mr Dalton McGuinty (Leader of the Opposition):** The question is to the Minister of Education. Minister, you made an announcement this morning that you'll be tinkering, when it comes to Bill 74, with the extra-curricular provision. We've known for quite some time that this tinkering was on the way. But the fact of the matter is, your bill is fatally flawed. It is beyond redemption. It cannot be saved.

Had you taken the time to attend some of the committee hearings, you would have learned something about your bill. You could even have attended the Liberal hearings; you would have learned something there as well about your bill. What we have is a common thread that runs through the commentary we received about your bill: "It's a money grab," "It's a power grab," and, most importantly, as one teacher put it, "I won't have more time with my kids; I'll have less time with more kids." That's fundamentally what this bill is all about. It is going to ensure that our teachers have less time to spend with our children. This bill was flawed from the start, Minister. Why don't you admit that? Why don't you agree today that you're going to withdraw Bill 74?

1450

**Hon Janet Ecker (Minister of Education):** I realize the honourable member spent his Friday at the hearings. I was hoping perhaps today he might make some recommendations about amendments to improve the bill, but instead he is asking this question today, which is fine.

First of all, where in Bill 74 does it say anything about taking money out of the system? As a matter of fact, we are spending \$263 million new dollars to bring down class size in elementary and secondary classes. If he disagrees with that, perhaps he should say that, but Bill 74 is not about taking money out of the system. Quite the contrary, it is making sure that more new money goes into the system, but it is also ensuring that we have the ability to make sure those dollars go where they need to go.

If a board decides to use money for textbooks for something else, if he says we should stand back and say, "Gee, let's let that happen," perhaps he should tell the parents out there who have been crying for more accountability in the education system for years.

**Mr McGuinty:** Do you want to know what I think? I think you should stop wrecking public education in Ontario.

Minister, this bill has prompted something which is unprecedented in the history of this province. You re-

ceived a letter criticizing your bill from 14 separate groups which are committed to public education: French, public and separate board representatives, trustees, principals, teachers. They're all there. You have a copy of this letter. Never before has this happened in the history of this province, for that many people to come together. Teachers, principals, trustees, superintendents, directors, parents, and on and on, have come together and have asked that you take this bill and kill it because it is contrary to public education and it is contrary to meeting the interests of our children in their capacity as students.

Minister, had you attended any of the hearings, you would have quickly learned that there is no public support for Bill 74. On behalf of Ontarians and on behalf of public education, I am asking you today to do the right thing and withdraw your bill.

**Hon Mrs Ecker:** The honourable member has a funny definition of "wrecking." A new, better curriculum: That's wrecking the school system? More money for special education, more teachers, smaller class sizes, more help for students who need extra help—that is about improving the education system.

The member says we should withdraw Bill 74. I know he has friends in the teacher unions, but is he saying that when they use extracurricular activities as a union bargaining ploy we're supposed to stand back and let it happen? That legislation says that is not to be used as a strike. If he doesn't agree with that, perhaps he should tell all those parents and students out there who have had those opportunities taken away from them. Parents said it was not acceptable. They asked this government to act. This government is acting. Unfortunately, he doesn't seem to think it's a problem.

## CHILDREN WITH SPECIAL NEEDS

**Mr Doug Galt (Northumberland):** My question is directed to the minister responsible for children. In communities across Ontario—

*Interjections.*

**The Speaker (Hon Gary Carr):** Would the member take his seat. Order. Member for Northumberland.

**Mr Galt:** My question is to the minister responsible for children. In communities across Ontario, families are facing the challenge of providing for children with special needs. In both their home and in their school environment, these children require additional support to learn, grow and achieve their full potential. In my riding of Northumberland, there are a number of parents who are faced with this challenge and need the assurance that our government is working towards improving the supports available.

Minister, what new initiatives have we introduced to help Ontario's special-needs children and their families?

**Hon Margaret Marland (Minister without Portfolio [Children]):** I'd like to thank Doug Galt, the member for Northumberland, for his question.

Our government has taken many positive steps to ensure that Ontario's special-needs children receive the



extra care and support they require. Last year I announced \$11 million in new funding for children with intensive special needs. This included \$7 million annually for additional respite care for families caring for almost 1,700 children who are medically fragile and technologically dependent. Also, children's treatment centres received an increase of \$4.5 million in annual funding. Our \$20-million investment in preschool speech and language programs will increase this year by \$6 million annually, to include children over 5 years of age not yet attending school.

**Mr Galt:** I'm certainly pleased to hear that our government is continuing to improve the supports we provide for disabled children and their families. Certainly the list you just gave was very impressive. Could you please explain some of the other new initiatives that have been introduced as part of the commitment to assist our special-needs children?

**Hon Mrs Marland:** All children are a priority of this government, particularly children who require specialized services and support. This year, we are increasing special education funding by \$140 million annually for early intervention programs. We are the first government ever to be concerned enough to commit \$19 million annually to help children with autism receive the treatment they need.

Another new program includes \$7 million in annual funding towards a screening program for infant hearing, and \$4 million to test and identify young francophone students with learning disabilities. Our government is truly dedicated to ensuring that these at-risk children continue to receive the essential support they need. We believe in opening the doors to our children with special needs.

#### NANTICOKE GENERATING STATION

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of the Environment. When it comes right down to it, Minister, we believe the environment is really an important health issue. It's your job to protect the water we drink. You've failed on that score. It's your job to protect the air we breathe. You've failed on that score as well.

Over the weekend, people in southern Ontario got another taste of the smog that's expected to kill prematurely at least 1,800 more people this year. This morning, our environmental record got another black eye. I've got a copy of a release that was put out in Buffalo. It tells us that today there's going to be a billboard unveiled on the corner of Elmwood and Mohawk, which will help educate New York state residents on air quality issues affecting this region. You know what that billboard says? It says: "Buffalo is choking on Ontario's smog. Protect our children's lungs."

In particular, they are very concerned about the pollution coming from the Nanticoke generating station, which is the biggest coal-fired electrical generating station in North America. At the time of the last cam-

paign, my party committed to converting that plant into a cleaner, natural-gas-burning generating station. Are you now prepared to convert Nanticoke into a cleaner burning, gas-fired electrical generating station?

**Hon Dan Newman (Minister of the Environment):** The protection of the environment is indeed a priority for the government. The protection of the water, our air and our land is very important. What's important with respect to smog is that smog knows no borders. Over half of the smog that comes into Ontario comes from the United States; that's where it originates. It doesn't stop at the 49th parallel. We're doing our part here in Ontario. We've placed a moratorium on the sale of all coal-fired generation plants in Ontario. There are other measures we have taken—

*Interjections.*

**The Speaker (Hon Gary Carr):** Minister, take a seat. We'll just wait. Sorry for the interruption, Minister.

1500

**Hon Mr Newman:** There are other things, like the anti-smog action plan, which is going to reduce emissions that affect smog in our province. As a province, we are also committed to accelerating our commitments. We set a target of 45% reduction by 2015. We said we'll move that up to 2010, but we want the United States to do their part as well.

**The Speaker:** Supplementary?

**Mr James J. Bradley (St Catharines):** Not only is western New York choking on Ontario smog, but southern Ontario is choking on smog created in southern Ontario itself. It's from the Nanticoke coal-fired power plant, the largest plant of its kind in North America, a plant with totally inadequate pollution controls on it. The toxic soup that pours from the Nanticoke plant spews across farmland in the Niagara Peninsula, converts to acid rain, pollutes Lake Erie and causes smog which results, according to the Ontario Medical Association, in 1,800 premature deaths in Ontario per year.

Will you now require that the Nanticoke plant, operated by Ontario Power Generation, a company wholly owned by your government—will you immediately order, because you did not do so in your response, that the Nanticoke power plant be converted to natural gas and that the best available pollution control technology, namely, selective catalytic reduction, be placed on that plant?

**Hon Mr Newman:** I placed a moratorium on the sale of all coal-fired generation plants in our province. It's a positive step forward. This is something we wanted to see happen that will improve the air quality for the people of our province. There's also a regulation in place that took effect on May 1 of this year with respect to the monitoring and public reporting of emissions of concern for all electricity generators in our province.

On the issue of smog, I also want to take this moment to remind everyone about a ministry Web site that we've set up: [www.airqualityontario.com](http://www.airqualityontario.com) is a Web site that people can go to, to find out more about the air quality.

To date there have been more than 360,000 hits to that Web site.

### COMMUNITY SAFETY

**Mrs Tina R. Molinari (Thornhill):** My question is to the Solicitor General. But before I do that, I would like to extend my condolences to the family of Sergeant Marg Eve, who was the first woman police officer to die in the line of duty this past Friday.

Minister, constituents in my riding of Thornhill have consistently told me that they take the issue of community safety very seriously. At local events, on radio open-line shows and door to door, people I talk to in Thornhill all believe that we should be able to live in our communities free from fear and crime. Our government has made commitments to the people of Ontario to make our neighbourhoods safer. Can you tell the House and the people of Thornhill how our government is addressing the issue of community safety and putting more police officers on our streets?

**Hon David H. Tsubouchi (Solicitor General):** I thank the member for Thornhill for the question. My apologies, first of all, because I think perhaps I can answer the second part of your question, but I'd like to take a moment to say something about Sergeant Marg Eve of the OPP, if I could.

We certainly convey condolences to her husband, John, and her family and friends. I spoke to her husband last Thursday, who under very trying and tragic circumstances displayed a great deal of courage. Marg Eve was a mother, a wife and a police officer. She was well respected by her peers and her community. She was well loved by her family and friends. I believe I speak for all of us in the House when I say that our prayers are with her family and friends today in Chatham.

I'd also like to acknowledge the London Health Sciences for their very efficient and very sensitive treatment of Marg, of course, and her family. They showed a great deal of concern for the family. I want to acknowledge their part in all of this. While I have the opportunity, I'd also like to pass our best wishes to Constable Patti Pask and Constable Brad Sakalo, who are in the Chatham hospital. We wish them a speedy recovery, from all of us in the House.

**Mrs Molinari:** Minister, everyone in Ontario has the right to be safe from crime. We should be able to walk in our neighbourhoods, use public transit, live in our homes and send our children to school free from fear of criminals.

Our government has made a commitment to the people of Ontario to improve the safety of our communities. Having more police officers on our streets and providing them with the tools they need to make our streets safer is one way our government is helping to make our streets safer. Minister, could you tell my constituents about the investments our government is making in the riding of Thornhill to help make our streets safer?

**Hon Mr Tsubouchi:** Instead of mentioning the fact that there are 77 new front-line police officers in York region, I might talk for a second about the fact that the government assisted York region with a helicopter pilot project. This is of interest right now, I believe, because of Chief Fantino in the city of Toronto. They are speaking now of a helicopter for the city of Toronto for the protection of their citizens.

I'd like to tell you that during the time of the pilot project in York region, the helicopter brought a lot of benefits to my community and Tina's community, certainly to Thornhill. I know that they assisted in the search for missing persons, both for seniors and children. In fact, during the pilot project time they assisted in the apprehension of armed robbers. But just as important, during that last summer when we had the terror that was striking northern Scarborough with respect to the Scarborough rapist, the helicopter project was able to assist the Toronto police in terms of policing those areas.

### NURSING HOMES

**Ms Frances Lankin (Beaches-East York):** My question is to the Minister of Health. Walkerton has tragically underscored the importance of frequent inspections, of compliance checks and of ongoing monitoring. Unfortunately, it's not only the Ministry of the Environment that has been failing the public in this respect. On April 11, I provided you with information that your ministry had been failing in its duty to carry out annual reviews of nursing homes. As I'm sure you'll recall when you denied any wrongdoing, we began a file-by-file review, and an initial investigation showed that from 1990 to 1995, between 91% and 100% of nursing homes had been inspected. By 1998, only 52% had annual reviews.

It has now been over two months since I raised this issue, Minister. You committed that we would have a full report made public within three weeks. Families deserve and have the right to know what's going on in our nursing homes. The public has a right to know. Minister, will you live up to your commitment and will you immediately table this report?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** As the member knows, our government has made a commitment to maintain very high-quality standards for all of our facilities, and I was quite disappointed when the investigation began to find that there had been no complete compliance for the past 10 years. This certainly was most disappointing. I indicated at that time that the practice was totally unacceptable and that I had asked the deputy minister to ensure that we had a plan of action that would ensure in future that all of our long-term-care facilities would be reviewed annually without exception.

I'm very pleased to say that that report is at a point now where the compliance and all the measures are being put in place to ensure that we don't have a situation such as we've had for at least 10 years in this province, and



unfortunately longer, where we've not had 100% compliance. I can tell you that is totally unacceptable.

**Ms Lankin:** Minister, you're totally unacceptable too. You know it didn't fly the last time you tried to shift blame. It's not going to fly this time. You committed to a full public report in three weeks. It's now over two months. I submitted an order paper question and I got a response from you last week. It said that the answer can't be made available in the normal time period. Instead, it said I can expect an answer on or about June 23. Is that a coincidence, the day after the House rises on June 22? I think it isn't.

Minister, three staff in our office made their way through 5% of 10 years of the reports in one morning. Are you telling me the whole ministry needs more than two months to tell us how many of these nursing homes, not to muddle it all up, didn't get their inspections? Or maybe it's the spin cycle, the Tory information cleansing machine that's taking so long.

Minister, we don't believe you're going to give us that information before the House rises, but I'd like to be wrong on this one. Will you commit to giving us immediately the report that you committed would be in the public's hands, in the media's hands, in this House's hands within three weeks?

**Hon Mrs Witmer:** As you can well imagine, we were quite disappointed to find that there had been no complete compliance for at least 10 years.

I'd just like to quote from the Provincial Auditor's report of 1995, where he refers to the NDP period of time. He says, "No annual reviews of homes for the aged were conducted in 1993 and 1994." Again I can assure you the deputy is preparing the plan of action to ensure that all—and I would stress "all"—LTC facilities are reviewed annually, every year without exception, because anything less would be totally unacceptable.

1510

## EDUCATION LEGISLATION

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. We held hearings that your government was afraid to hold. We've seen twice as many people here in the opposition as you in your sham hearings heard around the province last week.

If the minister had attended hearings, if there had been sincerity on the part of this government to have this bill exposed, it would have been exposed for what it is and for what people are starting to appreciate: It's an attack to dilute, to degrade, to downgrade education in this province.

Minister, will you admit to the House today that what you are doing in this bill, and the only reason you brought this bill forward, is to lower the number of teachers, remove teachers from teaching positions in boards and dilute the quality of education in this province? Will you at least have the courage to stand up and agree that the core of your bill really is a lower teaching standard,

the one that was, by the way, at work in the region of Durham and that the minister still, despite everything she might have heard, or that she would on reflection, wants to export to the rest of the province? Will you at least agree, Minister, that that's your goal: cutting the number of teaching positions and diluting education in this province?

**Hon Janet Ecker (Minister of Education):** I'm not in the habit of agreeing with things that are not accurate.

**Mr Kennedy:** We see nothing on this government's part, and now we have it confirmed, not even any interest in putting forward their full agenda. In your absence, Madam Minister, I'll do that. This government has cut \$1.6 billion from their share of education. This minister and all these members opposite have been challenged to put forward figures contradicting that almost a month ago, and they've failed to do that.

This Bill 74, which we're being subjected to advertisements about but not honest debate about, purports to take hundreds more teachers from our system and save this government another \$130 million. On the one hand they say there are reduced class sizes, but for every three teachers they're trying to tell us they're putting in, they're taking 10 teachers away.

We would like a direct answer from this minister: How do you intend to improve the quality of education when you're removing teachers from the system, when you've demoralized the teachers that are there, and when you won't be forthcoming about your government's agenda to the public and you're so afraid of it you're trying to stuff it through at the earliest opportunity?

**Hon Mrs Ecker:** Excuse me, Mr Speaker, for laughing, but the honourable member should have the name of Hans Christian Andersen in terms of the fairy tale that he has just put forward today. First of all, this government had a full debate on our education quality reforms in 1995 during the election, when we laid out in great detail a whole series of education quality reforms that parents told us they wanted. We did it again in 1999, with more quality education reforms, like more money in the classroom. We are now spending more money on education, more in the classroom than has been spent before; a new curriculum which better prepares our children; more teachers.

The honourable member keeps talking about fewer teachers. We need more teachers in our education system because we want to have smaller classrooms. The honourable member keeps forgetting that.

We also have more help for students who need extra help with the new curriculum, more money in standards for special education.

Our quality reform agenda is very clear. We've been very open with the people of Ontario about—

**The Speaker (Hon Gary Carr):** The minister's time is up.

## MUNICIPAL RESTRUCTURING

**Mr R. Gary Stewart (Peterborough):** My question is to the Minister of Municipal Affairs and Housing. I am pleased to inform the House that the municipality of Lakefield and the municipalities of Smith and Ennismore in my riding have chosen to restructure their governments so that they can provide their communities with a reduced number of local politicians, eliminate waste and duplication and provide taxpayers with better services at lower costs in the long term. Can you tell me what assistance—

*Interjections.*

**Mr Stewart:** I can stand as long as well, Mr Speaker. I refuse to—

**The Speaker (Hon Gary Carr):** No, I'm afraid you can't. You have one minute and your time is almost up. I'd appreciate if you would put the question.

**Mr Stewart:** I'd be pleased if at least the municipalities knew I asked this question and could hear it.

Minister, can you tell me what assistance our government is providing to municipalities like the ones from my riding to help them through their restructuring process?

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** I thank the honourable member for the question. This is about municipalities voluntarily coming together because they want to deliver better services at less cost to the taxpayers, be more accountable and reduce the size of government so that it can do its job better. In fact, we have been working with a lot of those municipalities that are committed to these goals, to doing better with less, improving the kinds of services they are delivering to their taxpayers, but also making sure that they can do so with lower taxes and small government.

We understand that municipalities are incurring one-time, upfront costs as they restructure to become more efficient and more cost-effective. To help the municipalities like the ones in the member's riding, we have extended the municipal restructuring fund to provide financial assistance to municipalities that are undergoing restructuring. It is set up in recognition that the restructured municipalities will be making an investment in the new structure of their municipalities, and we are there to help them.

**Mr Stewart:** As you know, I've been very supportive of municipal restructuring for a good number of years, back to my days of municipal politics, so I commend these municipalities for doing this. Could you please tell the House today what municipalities are eligible for when applying under the fund and how they can apply?

**Hon Mr Clement:** It's quite straightforward. Under the Municipal Act, if you've had a restructuring that has taken place, ordered between April 1 of last year and March 31 of this year, you are eligible. Through that assistance fund, as I mentioned, the municipal restructuring fund, we can cover up to 75% of eligible municipal costs. As a municipality, you must submit a detailed business case showing the potential for savings and giving evidence of prudent fiscal management and

send that to us by June 23. That's when the business cases are due. We will work together with those municipalities to ensure that the best services are delivered to all of our citizens in Ontario at the least possible cost.

1520

## RURAL SCHOOLS

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** My question is to the Minister of Education. I met with a group of concerned school board chairs, parents and teachers in the town of Inkerman in Dundas county last Thursday night. We met to discuss the plight of rural schools in Ontario. Many of those who attended the meeting asked me to try to get some answers from you. Geographically, the Upper Canada District School Board is one of the largest boards in Ontario. It covers 12,000 square kilometres, which is 18 times the size of the Toronto District School Board. The trustees and staff have to travel long distances to attend meetings. Our board includes eight different counties but only one town is large enough to be a city. Our board is predominantly rural in composition, yet it does not qualify for the rural and remote funding under the current formula.

Minister, can you tell the people of Dundas and the rest of the residents of my riding and all of the Upper Canada District School Board why it does not qualify to get remote and rural funding?

**Hon Janet Ecker (Minister of Education):** This is indeed an extremely important issue. Many of my caucus colleagues as well as members of the opposition have raised the concerns around rural school boards. We recognize that there needs to be more work done to make sure they are getting the financial support they need. We've already made some steps in this direction. For example, in the recent budget, there was more money for bus transportation which was predominantly to be focused in the rural and northern boards. They do get more grants that specifically recognize this, but we recognize that there may well be some more work that needs to be done. We've asked the boards to provide us with that information. They are diligently working on making sure we've got the best data we can have so we can make the best decision.

**Mr Cleary:** Thank you for your answer, Minister. Not only does the rural Upper Canada District School Board not get fair treatment under the current education funding formula, but it also does not see the reduced class sizes that your government says can be found in schools across Ontario. Rural schools have larger class sizes, more split classes, and have to transport students farther. The current formula fails to take into account the fact that smaller communities often have to lose their schools so students can be transported to growth areas.

When you close a rural school, you take the heart right out of the community. The possibility is that six rural schools may be closed in my riding. Rural schools are essential for the preservation of rural communities. What



do you intend to do to see that the rural schools may remain open?

**Hon Mrs Ecker:** My rural caucus colleagues in this caucus have made recommendations to me about how we should deal with this in the best way. As I mentioned, we have asked the school boards to submit to us their long-range capital plans so we can see the needs they have and make sure we're meeting those needs, and that certainly will involve the rural boards, as it should.

But just on the class size issue, our government has moved twice now to bring down average class sizes, once through Bill 160 and again through Bill 74, if it's passed by this Legislature. We take that seriously. We've put forward more money to help make that happen. If members of the honourable member's community are concerned that a particular school board is not doing what they're supposed to be doing on class size, Bill 74 does provide a mechanism for those parents to make a complaint to say that those class size standards are not being met, and it does allow the provincial government to act on that if it is indeed an accurate allegation.

#### FOOD SAFETY

**Mr John O'Toole (Durham):** My question is for the Minister of Agriculture, Food and Rural Affairs. Last year our government announced the Healthy Futures for Ontario Agriculture initiative. Given the recent interest in food safety and water quality, would you please give the House an update on the program to date of the Healthy Futures for agriculture?

**Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs):** I want to thank the honourable member from Durham for the question. As all members of the House will be aware, the Healthy Futures for Ontario Agriculture program is a four-year, \$90-million initiative that is designed to address issues such as rural water quality, food safety, and to help open up and expand new and existing markets for our agriculture products. An industry review panel has been appointed and is reviewing applications. Recently, they approved six projects in excess of \$2 million, and I'm looking forward to seeing more projects in the near future.

**Mr O'Toole:** I'm very confident that you as minister will see that food safety will certainly be the focus of Healthy Futures. However, on a very serious note, last week in the House, the Liberal member for Chatham-Kent implied that a project would help the apple industry improve pasteurization techniques and that it was turned down for funding. If this was the case, my apple producers—for instance, Bob Simpson, Kirk Kemp, Ted Watson, Fred Archibald and Charles Stevens—would be very, very upset, as you would know. Could you please confirm whether or not the project was turned down for funding on this important food safety initiative?

**Hon Mr Hardeman:** I want to thank the honourable member from Durham again for that very important question, because I too share the concerns that were brought forward here in the Legislature last week. The

member opposite I'm sure intended to bring a serious situation to our attention, that it was an application that dealt with the quality of our food and that in fact it had been turned down by the Healthy Futures panel.

I want to say that we checked it out and there was absolutely no application from the Apple Marketing Commission or the apple growers' association. We were unable to find in the secretariat any sign of an application like that. There was an application to the CanAdapt program—

**The Speaker (Hon Gary Carr):** Order. I'm afraid the minister's time is up. New question?

*Interjection.*

#### EDUCATION LEGISLATION

**Mr Rosario Marchese (Trinity-Spadina):** Little did he realize that you're the watchdog of this place. He thought he could run the clock.

I have a question for mon amie Madam Ecker, the Minister of Education.

Earlier in response to a question—I've got your notes here—you said, in your sinister silkiness, "where ... does it say we are taking money out of the system?" I want to tell you where you're doing that and how you're doing it, because I think you know. And do you know what? The teachers know, the parents know and the students know as well. You would know that the act substantially increases the workload of high school teachers by requiring them to teach an additional class each school year, for a total of 6.6 instructional periods. This means that each teacher will be expected to instruct an additional 25 to 35 students. What that means—I think you know, but you pretend not to—is that fewer teachers are going to be there to teach more students, which means the loss, the firing of a potential 1,500 to 2,000 teachers. That's where we get it from. Teachers know and students know. Everyone wants to hold you accountable through good hearings, through lots of hearings, and you won't make yourself accountable.

**The Speaker (Hon Gary Carr):** Order. Question, please. The member has gone over the time; he may have missed the time. Wrap it up very quickly.

**Mr Marchese:** The question is this: You're holding everyone else accountable to your government, but why won't you hold yourself accountable to the teachers, the parents and the students?

**Hon Janet Ecker (Minister of Education):** I'm glad the honourable member for Trinity-Spadina got his question in, because it allows me to make sure the public watching this knows that Bill 74 will actually mean smaller classes and therefore more teachers. We heard very much the concern from teachers about the loss of jobs. That's why we've made two very important changes. One, we are bringing down class sizes in Bill 74. I hope the honourable member will support that. We've already announced and put out the money to make that happen, so that's smaller classes and more teachers. We have already announced changes in how we calculate

instructional time. For example, remediation: We recognize clearly that teachers do provide extra help for students. Again, the money is already going out for that for the coming school year. We've already moved to address that, because we have had the concern about loss of teachers and additional classes. We believe that with these steps we will help moderate any potential impact in that area.

The other point is on accountability. We do see ourselves as accountable. That's one of the reasons Bill 74 has mechanisms in it to make sure that if our education standards are not being met, we indeed can take action.

**The Speaker:** The time for oral questions is over.

1530

### TIME ALLOCATION

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: I rise on standing order 69(d), which refers to the ability of the government to have a bill before this House and a bill before a committee from the same ministry at the same time. Standing order 69(d) clearly prohibits that from happening.

In its time allocation motion with respect to Bill 74, or I should say its motion to effectively limit debate, the government did provide that the standing orders of this House be waived in this sort of situation. What we have happening is, first of all, a Ministry of Education bill before committee this afternoon during Orders of the Day. Second, we have a bill in House at the very same time. We have researched all the precedents and have looked at it recognizing that the time allocation motion effectively suspended our ability to meaningfully debate this legislation. Critics have to be in two places at the same time. It's a clear contradiction of the history of this place and of parliamentary procedure.

I ask, sir, will you rule, will you find that this type of behaviour, this type of deliberate attempt to rewrite the standing orders of the House in favour of the government and against the opposition to allow debate on two items from the same ministry to be occurring in two different places at the same time—I ask you as Speaker, will you step in to prevent this today, and moreover, in the future, look to parliamentary history to suggest that this sort of thing is patently wrong?

**The Speaker (Hon Gary Carr):** Thank you. Just a moment, please.

What we could do is go into petitions and, before we begin, I'll take a bit of time to go through that and have a ruling before we get to orders of the day. That would give me time during petitions to research it further.

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Mr Speaker: I just want, for your benefit, to give you the government's view on this issue.

We believe the motion which authorized the standing committee on justice and social policy is a very clear authorization by this House to sit and consider Bill 74 this afternoon. The motion governing Bill 74 amounts to

a special order of the House which, among other things, supersedes the restraints of standing order 69(d).

The motion respecting Bill 74, passed on May 31, states, "Notwithstanding any other standing order or special order of the House," and goes on to establish certain directives for the remaining schedule of Bill 74. One of the directives given is for the standing committee to meet this afternoon for clause-by-clause consideration of the bill. The normal application of standing order 69(d) is overruled by the order of the House, which requires that the committee consider this bill this afternoon.

Time allocation motions are, by their very nature, temporary suspensions of the rules of the House with respect to the scheduling of business. Erskine May states, "The House has adopted the standing orders, which are permanent rules for the guiding and the control of the House in the conduct of its business. The standing orders do not form a complete code of procedures for the House to discharge its functions. They may be supplanted from time to time by sessional orders or special resolutions to facilitate the progress of business through the House."

As was stated by former Speaker Stockwell on December 2, 1997, time allocation motions "can very rarely be out of order because they suspend the very standing orders that we live by."

These authorities make it quite clear that a suspension of the standing orders such as this suspension of standing order 69(d) is not out of order, we submit, but an established part of legislative practice.

We submit that any argument that the House may not consider government notice of motion 54 this afternoon because of the business being conducted in committee is simply not valid. Our standing committees exist at the pleasure of the House and, as such, the House always takes precedence over the committees. Evidence of this exists insofar as our standing orders do not allow our committees to sit unless the House is sitting, or some special order has been given by the House to a committee that it may sit outside the House's hours. The business of the House can never be suspended, we suggest, because of activity in committee. Under the normal application of standing order 69(d), it is the committee, not the House, that would be required to suspend its business if there was an overlap of policy areas being considered by the two bodies. The House always takes precedence.

In this case, Speaker, the House has given a special order to the committee permitting it to meet this afternoon notwithstanding standing order 69(d) and the business being debated in this House.

**The Speaker:** I thank the chief government whip. The member for Timmins-James Bay on the same point of order?

**Mr Gilles Bisson (Timmins-James Bay):** I just want to raise for your consideration the two following points. We understand the argument that has been put forward, but from our perspective in the third party there are two things. First of all, you recognize that given the size of our caucus, it really puts our critic at a disadvantage, in not being able to cover off the committee at the same



time as she is debating the bill in the House, where she's a critic at the same time. The point is that with fewer members it's much more difficult for us to cover off both of those activities. I want you to consider that.

The other thing you need to consider is that the government is in the habit now—and I listened to the government whip talk about how once you get into time allocation, that suspends the general rules we have under the standing orders. The reality is, the government is always using time allocation motions in order to push their bills through the House. By virtue of their time allocation, we find ourselves not being able to benefit from our own standing orders. If it was a rare occasion, maybe you would have an argument. I would argue no, but I would understand the argument. But this is not a rare occasion. As you know, the government time-allocates many of its bills, I would argue about two thirds of them, and it makes a bit of a mockery of the rules of the House.

I ask you to take those two points into consideration.

**Mr Duncan:** On a point of order, Mr Speaker: What we just heard was in part a veiled threat that they would take away clause-by-clause consideration of the bill in committee today. I should point out that Erskine May is quite correct: The standing orders do not comprise all the orders of business. Perhaps if this House had met more than 40 times in the last year, we wouldn't be jamming legislation of this importance all into one day.

I'm also curious to know how the government can schedule Bill 69 for today, and I suggest to the chief whip perhaps he might want to switch from the afternoon to the evening so we don't have two bills going on concurrently. It strikes me that this is first of all a blatant abuse and it has only been used, frankly, by this government on a lot of occasions, where this is going on. Then to get up and threaten to take away the very few clause-by-clause hours we have on a major piece of legislation is just indicative of the nature of the government, in our view.

I would submit, sir, that perhaps the government, since they've now indicated, late in the afternoon, that they intend to consider Bill 69 this evening, should switch that and consider Bill 69 in the House this afternoon and Bill 81 tonight so as to facilitate or not violate the rules, recognizing what the chief government whip says. He acknowledges that the government used its majority to change the rules to in effect foreclose debate on two major pieces of legislation, both of which members on all sides of the House would like to have an opportunity to participate in. If that is the case I ask the government whip, and I ask you in your deliberations, if they will change the order: Debate the education bill, Bill 81, this evening, and do Bill 69, the labour bill, this afternoon while committee hearings are going on with respect to Bill 74.

Also, I ask you to look at the precedents with respect to how these so-called motions—they're not motions, really; they're the government just imposing its majority

to effectively shut down meaningful debate. I ask you to consider it in both of those contexts.

**The Speaker:** The member for Parkdale-High Park on the same point of order?

**Mr Gerard Kennedy (Parkdale-High Park):** Not to prolong the discussion, just to say very briefly, Mr Speaker, that it has the effect of preventing me from being in this House to discuss cutting off debate, which is the discussion this afternoon, on Bill 81, which has only been in the public domain for a very short period of time, or to apply my time with Bill 74 and the clause-by-clause hearings there. Mr Speaker, we do not have such limited resources as the third party, but that effect does cause, I think, an artificial limitation, in terms of the access, to moving this bill forward and frankly to see them being explained and heard in the way they should be.

1540

**Hon Mr Klees:** First of all let me say that this is not the first time this has happened in this House. The member for the official opposition makes it sound as though this is some veiled scheme on the part of the government. That's ridiculous, absolutely ridiculous. The member knows that these things happen. It's in the order of business. We're simply following the procedures that are set out clearly for this House.

With regard to the remarks made by the member for the third party, Speaker, neither you nor I are responsible for the fact that they only have nine members in this House during this Parliament. That is a decision that was made by the electorate in this province. We feel for them, but I think it's up to them to order their business to ensure that someone is here to debate the matters before the House.

With regard to the suggestion to change the legislation for debate, we can't do it, for the reasons that we have our speakers' order and that we have already notified the critics. Had we done that, had we come forward and suggested we'd switch the business, the member would object to that too and he'd suggest that this is a last-minute change.

I would ask you to rule, Speaker, in favour, as we've put the argument.

**Mr Duncan:** On a point of order, Mr Speaker: This is an example of the absolute, belligerent approach this government is taking to this. We only found out an hour ago about Bill 69 being on tonight. The whole agenda has already been changed today.

Mr Speaker, I ask you, as the defender of this House, not to let this kind of belligerent approach to the governance of this province happen. Had we as a collective been a little more careful, other situations might not have happened.

They seem to think it's a big laugh. They seem to think it's a big joke. The Minister of Labour came here less than an hour ago and told us we're going to do his bill tonight, and then the chief whip has the audacity to suggest that they can't change the orders in a short period of time.

Mr Speaker, I call upon you to protect the collective rights of this House and our parliamentary traditions in a manner that protects the third party. It's only a matter of fairness, sir. It's only a matter of fairness. Yes, they took their majority and they jammed through the time allocation motion, the motion that effectively limits debate. They have refused to meet even the minimum number of days stipulated in the standing orders, committees have met less than in any other Parliament in the history of this Legislature, and now they want to do two bills from the same ministry at precisely the same time.

You know what? They laugh, they make jokes, but it isn't a joke. It's a very sad commentary on the state of this Legislature.

**Hon Chris Stockwell (Minister of Labour):** On a point of order, Mr Speaker: My name was invoked into this by the House leader for the opposition party. Let me say, first, I wasn't laughing about this. I didn't see a single person on this side laughing about this. Every point of order the member stands on I take very seriously, and I think this side takes them very seriously.

The question was put about, I came in here an hour ago. Yes, that may be true, but before that took place, I approached the critic for the Liberal Party and informed him that I would like to call Bill 69 for the night reading tonight. We had a discussion, and I agree that it was a last-minute situation, but I did ask.

If he had said, "Absolutely not; no way" etc, I think our relationship is good enough that I would have said, "OK." I then went to the third party and asked them if it was OK to call it tonight. They had difficulty getting their member back. They said they could only get him back for the evening session. That's why switching it would not be acceptable, because their critic couldn't be here for the afternoon debate.

All the other deals that took place after that I'm not so certain of, but no one was laughing. Before you make any charges against ministers of the crown, I think you should check the record.

**The Speaker:** I thank all members. I've heard enough on this point of order. I am going to rule after petitions. We'll have some time, and I will come back with a ruling.

## PETITIONS

### PROSTATE CANCER

**Mr Rick Bartolucci (Sudbury):** I have a petition to the Legislative Assembly of Ontario.

"Whereas prostate cancer is one of the leading causes of fatal cancer in Ontario;

"Whereas prostate cancer is the second leading cause of fatal cancers for males;

"Whereas early detection is one of the best tools for being victorious in our battle against cancer;

"Whereas the early detection blood test known as PSA (prostate specific antigen) is one of the most effective tests at diagnosing early prostate cancer;" and whereas the Minister of Health's inaction is literally causing men to die needlessly;

"Therefore be it resolved that we, the undersigned, petition the Legislature of Ontario to encourage the Ministry of Health and the minister to have this test added to the list of services covered by OHIP, and that this be done immediately in order for us to save lives and beat prostate cancer."

I affix my signature to this petition as I'm in agreement with it and ask Stephanie Craig from Waterloo-Wellington to bring it to the table.

## EDUCATION LEGISLATION

**Mr Gilles Bisson (Timmins-James Bay):** I have here a petition signed by a number of people from the city of Timmins that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

## WATER QUALITY

**Mr John O'Toole (Durham):** I have a petition from my riding of Durham. Miss Jessica Markland presented it to me, and there are Bill Woods, Joan Anderson, Dave Smith and a number of other constituents of Durham.

"To the Legislature of the province of Ontario:

"Whereas it is well known that cattle are a significant source of degradation strains of E coli bacteria; and

"Whereas cattle can be a serious source of degradation to rivers, streams and lakes through (1) defecating in or near the water, (2) breaking down and trampling banks and beaches, and (3) destroying vegetation in riparian zones; and

"Whereas many farmers permit their cattle to enter lakes and streams as a source of water;

"We, the undersigned, respectfully request that the government of Ontario pass binding legislation to



establish mandatory setbacks from all watercourses, lakes and wetlands to prevent landowners or tenants from using such watercourses, lakes and wetlands as a source of water for cattle and other animals;

"We further respectfully request that the legislation be drafted in such a way that it cannot be overturned by the Normal Farm Practices Protection Board or any other special interest group."

I'm pleased to present this on behalf of my constituents.

### CORRECTIONAL FACILITIES

**Mr Dave Levac (Brant):** I have a petition signed by over 1,500 people from the wonderful communities of Penetanguishene and Midland.

"To the Legislative Assembly of Ontario:

"Whereas the government of Ontario is actively pursuing private sector operators to run Ontario's correctional facilities, including adult strict-discipline boot camps, three megajails and five young offender facilities;

"Whereas findings show there is no cost savings to the taxpayer of Ontario;

"Whereas public safety will be greatly jeopardized in our communities;

"Therefore, be it resolved that the government of Ontario abandon all plans to privatize any aspects of the province's correctional system."

I proudly affix my name to this petition and offer it to David.

**Mr R. Gary Stewart (Peterborough):** I also have a petition to present on behalf of my colleague from Victoria-Haliburton.

"Whereas the government of Ontario is actively pursuing private sector operators to run Ontario's correctional facilities, including adult strict-discipline boot camps, three megajails and five young offender facilities;

"Whereas findings show there is no cost savings to the taxpayer of Ontario;

"Whereas public safety will be greatly jeopardized in our communities;

"Therefore, be it resolved that the government of Ontario abandon all plans to privatize any aspects of the province's correctional system."

1550

### EDUCATION LEGISLATION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** "To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I very happily sign my name to this petition and will deliver it to the page, Maria Dombrowsky from Hastings-Frontenac-Lennox and Addington.

### NORTHERN HEALTH TRAVEL GRANT

**Mr Michael A. Brown (Algoma-Manitoulin):** I have more petitions carrying hundreds if not thousands of signatures.

"To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in their communities."

I proudly affix my signature.

### EDUCATION LEGISLATION

**Mr Peter Kormos (Niagara Centre):** I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be

responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I'm sending that with the page, Bryan, who's from Etobicoke-Lakeshore.

**Mr Doug Galt (Northumberland):** I have a petition from the great riding of Oxford, addressed to the Legislative Assembly of Ontario. It has some five whereases expressing concern about Bill 74, and I noticed that the original form has been faxed by the OSSTF District 11.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

Thank you.

## REPORT CARDS

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the Upper Canada District School Board has a policy which causes inaccurate marking of grades 7 and 8 on the Ontario provincial report card; and

"Whereas this policy unnecessarily increases the workload of the teachers,

"We, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"We request that the Ministry of Education direct the Upper Canada District School Board to amend this policy to accurately reflect the achievements of the students and to allow the teachers to use one marking system."

I submit this petition and have also signed it.

## EDUCATION LEGISLATION

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I have a petition that I received from Nathalie Bélanger de Casselman.

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers;

"Whereas Bill 74 attacks our human rights by demanding teachers be available seven days a week, 24 hours a day, 365 days a year to do assigned duties; and

"Whereas Bill 74 turns over all education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 throughout the province immediately."

I also add my signature to this petition.

**Mr Doug Galt (Northumberland):** I have another petition here addressed to the Legislative Assembly of Ontario. There are some five "whereases," and it talks a lot about concerns being expressed about Bill 74. It's another form that was faxed by the OSSTF District 11 in Ingersoll. It goes on to say:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I am submitting this on behalf of the great riding of Oxford.

## TIME ALLOCATION

**The Speaker (Hon Gary Carr):** It now being 4 o'clock, it is time to go to orders of the day.

Just on the point of order that was raised earlier, there are two precedents, one from November 16, 1993, under Speaker Warner, who said, and I'll paraphrase a little bit, that a time allocation motion is not out of order where it contains a notwithstanding clause that in effect allows a standing committee to consider a bill before the expiry of the usual five-day waiting period mentioned in standing order 74. That was a ruling on November 16, 1993, by Speaker Warner.

Furthermore, there was a Speaker Stockwell ruling on April 2, 1997, which said the same thing:

"A bill may be called for consideration in the committee of the whole within a day of the bill being reported from a standing committee pursuant to the pre-existing time allocation order that has the usual"—and this is the main point, and I quote—"notwithstanding any other standing order clause, but that makes no specific mention of a suspension of standing order 76(c), which states that a bill that is reported from a standing committee or a select committee and then referred to the committee of the whole shall not be taken up before the second calendar day after the referral because the general 'notwithstanding' clause overrides or supersedes the individual standing orders that would otherwise determine the procedure of the bill."

So while members have a very valid point about the overlap of time, there are two recent precedents, from Mr



Stockwell on April 2, 1997, as well as Speaker Warner on November 16, 1993, which say that indeed the government may proceed with that, notwithstanding. As such, the government will be allowed to proceed.

## ORDERS OF THE DAY

### TIME ALLOCATION

**Hon Tim Hudak (Minister of Northern Development and Mines):** I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act, when Bill 81 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time the bill shall be ordered for third reading;

That no deferral of the second reading vote pursuant to standing order 28(h) shall be permitted; and

That the order for third reading of the bill may then immediately be called. When the order for third reading is called, the remainder of the sessional day shall be allotted to the third reading stage of the bill, the debate time being divided equally among the three caucuses, after which time the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That, pursuant to standing order 28(h), the vote on third reading may be deferred until the next sessional day, during the routine proceeding "Deferred Votes"; and

That in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

1600

**The Deputy Speaker (Mr Bert Johnson):** Mr Hudak has moved—dispense? OK. The Chair recognizes Mr Hudak.

**Hon Mr Hudak:** Mr Speaker, I think it's the opposition's turn to speak.

**Mr Rick Bartolucci (Sudbury):** I guess we're to understand here that the government is giving up their time to debate this time allocation motion. It is so typical of this government to be very confused when it comes to handling the business of democracy, and indeed that's exactly what happened, because under normal circumstances there's absolutely no question that the government would be standing up and defending their time allocation motion. First, the reality is there is no defence for a time allocation motion ever. Indeed, in this bill, Bill 81, certainly that is the truth again. There's no way this government can defend stifling, limiting or dispensing the debate on a very important piece of legislation.

This is all part of the public relations program that this government has with regard to implementing an agenda for change in education that is certainly more fluff than substance, that is certainly more based upon a philosophy as opposed to being very good in a practical way. I would suggest that Bill 81 is again a veiled attempt at trying to demonstrate this government as being one that cares and wants order in schools and in the classroom. What they've done effectively with Bill 81 is provide again enormous roadblocks that now teachers and principals are going to have to try to get over in order to implement good, sound practices—if they follow Bill 81. The reality is, they'll probably do what people in education have done for years when it comes to bad policy. They'll just ignore it, know where it's coming from and ensure that children and students remain happy and productive in environments that have always been very safe, have always been very secure and have always been in the best interests of children. This is what the government misses with Bill 81 and certainly they've missed it entirely with Bill 74.

Codes of conduct are not new. Thirty-six years ago, when I first started teaching, we had a code of conduct at St Alphonse's school in Sudbury. Sister St Paul devised the code of conduct. It wasn't mandated by the Minister of Education at the time, who knew nothing about education, and this Minister of Education obviously has very limited ability when it comes to understanding what happens in a classroom and in a school.

When I first became a principal, I had a code of conduct. My children who went through the Catholic system in Sudbury went through schools that had codes of conduct. What the government is doing here is nothing new; in fact, in many ways it detracts from what are established, sound, excellent practices already in place. Let me just highlight a few of those areas.

With regard to the suspension of students by teachers, I want to know as a principal and as a teacher what they, the government, define as a school day. If someone acts up in a negative way at 2 o'clock, is that child suspended from 2 until 3:30, is that child suspended from 2 o'clock that day until 2 o'clock the next day or is that child suspended from 2 o'clock until 4 o'clock? When does a one-day suspension take place? Does it take place at the beginning of the day, does it take place at the time of suspension or does it take place at the beginning of the next day? You'll need that for record-keeping purposes. You'll need that for record purposes because you're still going to have to fill out the forms with regard to a suspension. I don't think the government knows the answer to that question, and that's really scary.

I also want to spend a little bit of time wondering with regard to expulsion of students. They say if anybody brings an illicit drug to school, that is automatic expulsion. I happen to agree with that, as long as you qualify it. A cigarette is an illegal drug in the hands of anybody under a certain year of age. So if a grade 1 child happens to bring her father's cigarettes to school, does that mean the government's going to have to expel the

kid? Does that mean the principal is going to have to say, "I'm sorry, you're expelled for the rest of the year"?"

This might sound like a pretty outlandish example, but the way this legislation is written, that's exactly what can happen. It is not good legislation, it's not sound legislation, it's not legislation that's been well thought out from a public education point of view. From a public relations point of view, it probably only gets a C, not an A. So I would suggest to you that they're only average learners when it comes to education, certainly not above average. When it comes to implementing policy, they are certainly well below average.

I'd like to just read something that appeared in the Sudbury Star on Saturday that I think summarizes this government's philosophy with regard to education, or their lack of philosophy. If they only understood this, they would understand what good policy means and how important good policy is in education. It's called, "Teachers Will Learn Harris's New Lingo."

"I am a teacher.

"I eat lunch standing up while supervising a school activity.

"I know Susie, Johnny and Marie.

"There are kids who come to our school's breakfast club because there's no food at home.

"I am surrounded by dedicated and academically specialized teachers.

"They are also human beings who love kids.

"I cannot name even one teacher colleague on my staff who doesn't do some extracurricular activity.

"I have a principal and vice-principal who are teachers at heart.

"I believe in a well-developed and applicable curriculum delivered by teachers who love their subjects, whether academics, arts, technology or athletics.

"I believe that there is more to a well-rounded education than high test scores.

"I believe that every school needs custodians, secretaries and a teacher-librarian.

"I know what a poor teacher Mr Harris was. I had him as a supply teacher when I was in school in North Bay.

"I don't understand oxymorons such as 'mandatory volunteerism,' even after years of university training.

"But I will keep learning because I am a teacher."

This was the work of Carolyn Otto, who is a secondary school teacher at Sudbury Secondary School. She teaches music and she's a dedicated professional.

**The Deputy Speaker:** Further debate?

**Mr Doug Galt (Northumberland):** I certainly appreciate the opportunity to speak on this time allocation motion as it relates to the Safe Schools Act, Bill 81. I found kind of interesting many of the comments being made by the member for Sudbury, particularly when he's a past principal. It's amazing how you can get caught up in the rhetoric of your party. I thought some of his comments were interesting, that this was going to be great for public relations but maybe not all that great a bill, and on and on he went.

I think a lot of the things that we've been doing as a government in education, particularly since we took office back in 1995, have been to position our young people, position our students ready for a competitive world. There's no question that out there that competitive world is indeed a moving target. As we improve our students and improve our system—because the problem really wasn't with our students, the problem wasn't with our teachers, but rather with the boards and with a system that was indeed broken, there is no question.

But as we change that system and as we change and put it in a more productive manner, more efficient manner, so are other provinces, so are other states and so are other countries in this world. It's going to have to be a real push to ensure that we do have the quality of education that's going to help our young people so that they can meet that competitive environment, if we're going to have a province like Ontario that's the engine of economy for the rest of Canada. It's going to take an awful lot.

One of the things, for example, that we brought in over the last five years was the fair student-focused funding. Too many dollars were going to administration. I can look at my own board with the multimillion-dollar headquarters that were built. Fortunately, they didn't put fountains in it or develop a golf course beside it, as has happened in some of the other boards. Certainly more resources are now going into the classroom than ever before.

There's a new rigorous curriculum out there, and it's now rolling out the final bit for the secondary panel. I hear teachers talk about the elementary panel with glowing comments about the kind of curriculum that's out there.

**1610**

We've also brought in the testing of certain grades, starting out with grades 3 and 6 and so on, measuring student progress. Much to the frustration of the union, it was also measuring the ability of the schools, the ability of the board and the ability of the teachers. Also, of course, there's a standardized report card. As a student moves around, at least within the province, there will be some continuity—continuity of report cards, continuity of the curriculum etc. In the past, even if a student moved within a board they tended to be lost, just moving from one school to another. That was very wrong. You can see that since 1995, the best quality of education has certainly been at the base of our thinking and the direction we wanted to go as a province.

We hear a lot about violence in our schools, particularly in the US. Some people read about what's going on in the US or wherever and say, "Just give it a few years and it will be here in Canada, here in Ontario." Unfortunately, we are starting to see, in the province of Ontario and across Canada, some of these violent episodes that are going on in our schools. That's not right. Students cannot learn when those kinds of threats are there, when they read and hear about those kinds of violence. That does have to stop. With the code of



conduct, we will be promoting respect, we will be promoting responsibility and of course we'll also be promoting civility.

A safe school environment will contribute to student learning and to quality education. Just imagine a student petrified of maybe being beaten up on the way to school or on the way home. Is his or her mind on education? It certainly isn't; their mind is on what's going to happen to them physically, and they're very concerned about that. We're looking at providing a safe school environment, which will contribute to the proper learning of these students. It's very important that this happen. As you talk to people on the street and talk to people in Northumberland, there's consistent support for this kind of thing. People quickly go into their days at school and how they were concerned. It's very different today than it was for people my age. When they went to school, the kinds of violent concerns they had were pretty minor by comparison.

This code of conduct, I'm pleased to say, will set out some very clear expectations of the kind of behaviour that we expect of our young people in school. At present, schools are required, as the member for Sudbury mentioned when he was a principal, to have a code of conduct. That was great for its time, but unfortunately there are too many inconsistencies as we move from board to board. In the past, boards had the right to expel and principals had the right to suspend, but individual teachers did not have any powers other than to send the student to the principal or, sometimes, to the board for consideration to be expelled. Now there will be more authority, more power given to the principal and also to the individual teacher.

If Bill 81 is passed, and I trust that with the support it's receiving it probably will, the principal will continue to be able to suspend students for up to 20 days, but over and above that he or she will receive the power and the ability to expel students for up to one year, or refer it to the board of education.

Teachers, with this bill, will now be able to suspend for at least one day. I heard the member for Sudbury going on about, "What's a day and where does it start and where does it end?" It almost sounds like some of the foolishness that we hear in courts, trying to play around with words. The intent is right and there's no question what is going to happen here.

In the past, it has been very unfortunate that expelled students seemed to think it was going to be a holiday for them, and many would just go out and really enjoy it. Fortunately, a lot of them really did want to continue with their education. With this bill, there will be strict-discipline facilities for them and they will be able to work on their education.

I think it's very important that we have these province-wide standards, as I was referring to earlier. Certainly province-wide standards are important when you are looking at something like discipline and codes of conduct. For less serious infractions, there will still be a code at the local board level.

As we look at something like a code of conduct, we're talking a lot about the principles that really came through with the Ontario charter of education—the rights and responsibilities they talked about—that came out with the previous government, of course. In it, they were saying that every student has the right to a safe learning environment, that every student has the responsibility to respect others and respect themselves within the education system in particular and, of course, that teachers have the right to maintain order in their classrooms.

I hear a lot of people expressing their respect for teachers, but they're saying: "It's something I'd love to do, but I couldn't handle the discipline. I couldn't maintain order in a classroom." With this code of conduct in place and having the rules and regulations out in front, hopefully down the road more people will feel that a career in education, a career as a teacher, would be more in order for them.

I think it's interesting that things are being laid out in this code that if certain things happen, an expulsion hearing would be required. Some of those would be if a student were to bring weapons on to school property or if a student had drugs or alcohol—providing drugs or alcohol to others—or if there was any physical or sexual assault or even robbery or if there was a threat of harm with a weapon. Then we move on to look at some of the things you could be suspended for—suspension would be a minimal penalty—and those would be things like possession of drugs or alcohol, threatening or swearing at a teacher, vandalism or uttering threats of harm. I think this is laid out quite well in the bill, and certainly the regulations will detail it even further, but I don't think there's any question that the right intent is here. Also, within this bill—

**Mr Dominic Agostino (Hamilton East):** On a point of order, Mr Speaker: I inquire if there's a quorum present.

**The Deputy Speaker:** Is a quorum present?

**Clerk Assistant (Ms Deborah Deller):** A quorum is present, Speaker.

**The Deputy Speaker:** The Chair recognizes the member for Northumberland.

**Mr Galt:** It's obvious that some people need some remedial training in mental math to be able to count whether there's a quorum present.

Before I was interrupted, I was mentioning some of the other things that will be present in this bill. It will allow for criminal checks of various workers who would be in the schools. Also, whether there would be a dress code or a uniform for certain schools would be a decision made by a majority of the parents who send students to a particular school.

There was some concern about daily exercises and what would or wouldn't happen in those openings and closings. This would require and include the singing of our national anthem, "O Canada." Also, whether a pledge of citizenship would be given would be a direction of the particular school council.

All in all, I think this is an excellent bill that's being brought forward by our government to increase the safety and security of our communities in general. In this one, in particular, we're looking at ensuring that our schools are safer. But our government has brought in a lot of bills that are really improving the security and safety of our residents; for example, one we brought in last fall, the Safe Streets Act. Certainly that is working. If you're in downtown Toronto right now, you find there are next to no squeegee kids out there. It was a high risk for them in some of the jobs they were trying to do in cleaning windshields.

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We have brought in other things. We've increased tremendously the number of family courts and also brought in, in our previous government, a Victims' Bill of Rights and a permanent office for victims—a big step. It's about time we recognized victims. The opposition is more concerned about the perpetrators and whether they might be in jail too long or whether they will get out on parole. That seems to be their big concern. They never did seem very concerned about the victims. I for one have always been concerned about victims.

We've also increased considerably the number of police officers in Ontario, some 1,000 police officers more in this province than there were when the previous—

**Mr Gilles Bisson (Timmins-James Bay):** On a point of order, Mr Speaker: I think the standing orders say we have to be truthful. The statement about more police officers isn't truthful, so is he lying?

**The Deputy Speaker:** We have rights and privileges in this House. They're very broad and so on, but they don't allow us to use that word, and so I'd ask you to withdraw it.

**Mr Bisson:** Mr Speaker, I do withdraw, but I ask the question—

**The Deputy Speaker:** An unconditional withdrawal, or I'll name you.

**Mr Bisson:** Unconditionally, Mr Speaker, I withdraw, with protest.

**Mr Galt:** Thank you very much, Mr Speaker. I'm glad he recognizes the mistake.

I was mentioning, when I was so rudely interrupted, the extra 1,000 police officers we now have in Ontario, and I hear police chiefs regularly complimenting our government for bringing them in. I bring this to your attention, Mr Speaker, because of the increased safety and security Bill 81 is bringing to this province.

Also, as another example, truck inspections and penalties: When we took office there were a number of wheels flying off trucks. That has been turned around tremendously.

These are some of the things our government has been doing to improve safety on our streets and in our schools, and Bill 81 is going to make a big difference.

Just to wind up I want to point out that I'm sure the official opposition will be interested in what was in the 20/20 Plan back in April 1999, proposed by the Liberal

Party as part of their 1999 election campaign: "Anyone convicted of carrying a weapon or dealing drugs within five blocks of a school will be subject to a new provincial penalty of up to two years in prison." Wow, talk about a penalty—and then the position as getting tough on outside troublemakers who are more often the cause of unsafe schools than the students themselves. So it's great to hear that the official opposition will also be supporting Bill 81.

**The Deputy Speaker:** Further debate?

**Mr Agostino:** I would like to add to the debate we're having here again. Certainly when you look at this bill, as usual with this government, it's a lot of rhetoric, a lot of spin, a lot of creative writing in the name of the bill but very little substance to it.

When you look at this bill, the Safe Schools Act, it pretends to do something it really doesn't do. It pretends to give school boards a code of conduct. The reality is that every school board in this province already has a zero tolerance policy and a code of conduct in place. What this bill does is simply stretch even further the resources that are in the schools now to make it more difficult for teachers, principals, psychologists, social workers—what few are left in the schools after your cuts—to deal with kids who are behaviour and discipline problems.

I look at the bill, and it really does some very disturbing things. First of all, teachers having the authority to suspend a student for one day: I have not spoken to one teacher across this province who has asked for that authority or who wants the authority to suspend, because it affects their relationship with the student tremendously; it causes further problems. I challenge the government to bring forward teachers who support that power. They don't want that power, but you're imposing it upon them.

Principals having the power to expel students: Again, most principals I speak to have not asked for that power and don't want that power. It should be left to the school board. It should be left under the system as it was that was working relatively well in regard to that.

As you bring these changes in and you put this on the backdrop of Bill 74, which is going to mean more students, fewer teachers, less money in education, you're now going to impose this extra level of bureaucracy here on schools, on teachers, on principals, and frankly this bill doesn't address the fundamental problems that cause many of the difficulties we're facing. You have cut back on resources for kids. We know that the investment in preventing crime is certainly a much better way to go than the cost after a crime has occurred.

Everything you do is always reactive. Everything you do is, "How do we punish afterwards?" instead of sitting back and saying, "We could help these kids, we could help our school system, and we could help our province much more by taking some steps ahead of time and preventing the violence from occurring," and helping these kids when they're struggling, and having the resources in place. But you don't do any of that.



I look at the bill and I look within the context of what this government has done. My colleague, the previous speaker, quoted the 20/20 Plan. You're right, we support safe schools. That's why we proposed, and the Premier and the government rejected, the idea of safe school zones, which would mean that if you commit certain crimes within five blocks of a school there would be much harsher penalties. Many of the kids who get involved, whether it's gang turf wars that happen within schools, whether it's other types of violence—it's often kids not necessarily from that school; it could be other schools or it could be other neighbourhoods. By having the provision, as they do in many American cities and it works well, they would have safe school zones. That, to me, is one real way of dealing with this problem. But you have chosen to ignore that.

We've also asked for and proposed safe school teams in the schools that would deal with problems and involve principals, psychologists, counsellors—people who have a handle on what the cause of the problem is. But of course to you that's a luxury so you've wiped all that out from your funding.

Then what is most galling and astonishing about these guys across the floor talking about safety and school safety and kids is the atrocious track record of what they've done. Let me remind you that this is the government that allowed 12-year-old kids permission to carry hunting rifles, to shoot hunting rifles. This is the government that did that. This is the government that allowed guides in school on how to load and shoot a gun. The Mike Harris, Tom Long neo-conservative government of Ontario allowed that. This is the government that is in court right now fighting gun registration and gun control. They are in court fighting gun control. They don't believe that the government should be able to restrict guns in this province. They obviously believe we should have a Florida approach: You can go into a corner store and buy a gun any time, anywhere, no questions asked.

My colleague from St Paul's ran a bill that would restrict the sale of pellet guns, replica guns. This government has not brought that forward. Clearly this government's track record when it comes to dealing with gun control, when it comes to dealing with violence is absolutely atrocious. As my colleague from St Paul's continues to state, this is a government that clearly is in the holster of the gun lobby, absolutely.

We have government backbenchers doing ads for the NRA, that wonderful freedom organization in the United States that believes every single American should be able to carry a gun, any time, anywhere, without any questions asked. That's who they're aligned with.

So we're not going to take any lessons at all from this government when it comes to school safety or safety with kids, because you, in many ways, by your actions and by the lack of actions, are contributing to the problem. You are contributing to the problem when you fail to take the steps that are necessary to curb violence in school, and then you bring this fluff piece of legislation—and that's all it is—a fluff, feel-good, pound-your-chest, look-what-

we're-doing piece of legislation that most teachers who have to enforce it tell you is not workable. Most principals will tell you it's not workable. Most social workers and counsellors and psychologists who deal with kids tell you it's not workable. But you don't want to listen, which is typical of this government.

**1630**

They didn't listen when they were warned about what would happen with the water quality and we saw the results of that: seven deaths. They didn't listen but they had been warned about what was happening to health care, and we've seen the drastic reductions that have occurred and we've seen the damage. People have died as a result of your funding cuts on the way to hospitals because we couldn't get emergency room. And we're seeing it in education again. You're not listening on this bill; you were not listening on Bill 74. You're simply imposing this republican, neo-conservative agenda of yours on the people of Ontario with total disregard for the impact it has.

If this government was serious about dealing with safe schools and school violence, it would invest in the right areas. They would implement the safe school zone that Dalton McGuinty and the Liberal Party proposed in their campaign and continue to propose today. They would implement school safety teams. They would go in and deal with schools with a problem. They would reinstate funding so kids can get the help—social workers, counsellors and psychologists.

Rather, it's always the hammer. Rather than trying to find a way of dealing with the root of the problem, it's always, "How do we fix it after it's happened?" That's exactly what we've seen. It's crisis and damage control at every single turn and the kids are paying a price.

We support policies that would actually make our schools safer. This does not. All this does is add a layer of bureaucracy to the teachers, to the principals, to the school boards. You put this on top of that other shameful, disgraceful Bill 74 that you're going to ram through the House in the next few days and you have a recipe for disaster again: more students per classroom, fewer teachers, less money.

I just want to remind you, Speaker, and you know this well because you're here, this government has cut \$1.6 billion out of education since taking office. You don't fix education by simply cutting almost \$2 billion out of it.

As a wrap-up, maybe their answer to all of this is that they want to create the kind of problems this is going to lead to. I remember the former minister and the crisis—that's exactly what it's all about. If you can create enough public distrust in public education, then you can start forcing a debate and a discussion on charter schools, on private schools, the American way that you like so much.

I ask you to scrap this bill, scrap Bill 74, start listening to the teachers, stop picking on teachers, stop beating up teachers, and do what is good for education rather than what your pollsters are telling you is good for your political careers.

**Mr Bisson:** First of all, I must put on the record that I object that the government has called this bill into the House at the same time as another education bill is going on in committee. I know that the Speaker has already ruled on this, but it puts our education critic at a disadvantage when he has to be at clause-by-clause on Bill 74, and then the government House leader calls this bill in the House at the same time. It's not only not in keeping with the standing orders, but quite frankly I think it is a disservice to this place overall.

I want to say on this bill, first of all, what is this? This is placebo politics. These guys across the way have decided people feel, rightly or wrongly, that schools are not as safe as they should be, so they're going to bring a bill into the House to give people the sense that they feel better. Somehow or other, by some magical wave of the legislative wand, we're going to have safer schools now as a result of the Mike Harris bill that he brings before the House today. This is nothing more than placebo politics.

They try to make us, the opposition and the public, believe that this is the first government that's ever moved on the issue of school safety. Nobody else in the world has ever done anything except the Conservative government because only the Conservatives have half a brain to be able to do anything. I'd like to know what happened to the other half of brain they lost, because the reality is school boards across Ontario have been dealing with this issue for years—long before this government got itself into the education business by way of previous bills.

We know, for example, that here in the city of Toronto, the city of Ottawa, the city of Hamilton, even the city of Timmins, in Kapuskasing and other areas, school boards have long been dealing with policies that try to deal with issue of school safety. I would argue that Ontario schools, by far, are safer than people are led to believe by this government.

The other point I want to make, before I get into a few things I want to say on the contents of this bill, is that previous governments as well have introduced legislation in this House and also, by way of policies, have dealt with this issue. I was a member of the NDP government from 1990 to 1995, and Marion Boyd was the Minister of Education who put in place a number of policies that dealt with the issue of codes of conduct within schools and zero tolerance policies when it came to violence. Those are steps that were taken by a former government.

I just want to say, number one, this government doesn't have a monopoly on ideas on how to make our schools safer—they're trying to make us believe that—and, number two, this is, quite frankly, placebo politics.

Now, I want to ask the members of the Legislature this question, and anybody who happens to read this debate later: How in God's name are we going to make schools safer by people singing "O Canada" and people swearing an oath of allegiance of the crown or their citizenship? I want to know how we're going to make our schools safer by that very fact.

It makes us feel better. I'm sure the right-wing Republicans across the way in the Mike Harris caucus feel that somehow or other this is a way to put some discipline into those kids, that we just straighten them out, and if they feel all warm and fuzzy about the flag, if they go into school in the morning and they say an oath of allegiance and sing "O Canada," my lord, we're going to be a safer school.

It's a stupid policy. Why do I say that? Who has been doing this for years and who has the highest violence when it comes to schools? The United States of America, by way of policies that their federal government has done in their states, have been doing the oath of allegiance in their schools since before I was born. They've been singing the "Star-Spangled Banner," stripes or whatever it's called. From the time I can remember, they've been singing it in their schools. I ask you a question: Are their schools any safer? The answer is no, they're more dangerous. They've got 11-year-old kids going into schools and killing people. You've got school violence in places like Chicago, New York in various schools, LA, and the list goes on. The whole idea of oaths of allegiance that they give in the United States when they start school in the morning, and the singing of the "Star-Spangled Banner," have done nothing, not an iota, to make their schools safer. I want to put on the record, because I haven't heard anybody point that out, that this is going to do nothing to make our schools safer.

I want to know how my young daughter, who just graduated from grade 12 and is going on to grade 13 next year, is going to be made safer at école secondaire Thériault if she and her friends sing "O Canada." First of all, most schools play the hymn, and kids who feel they've got to participate will participate, and a number of them do. That's fine. But being forced to sing "O Canada," I don't know how from the beginning that is going to do anything to make that school safer.

The second point is, I want to know how reciting the oath of allegiance or citizenship that some school boards will try to force on to students as a result of this legislation will make our schools safer. I don't think it's going to do anything. What it does is take away how sincerely and seriously we take, first of all, our oath of allegiance and our oath of citizenship. It takes away from the meaning of that and it doesn't do anything to make our schools safer. Trying to force people to sing "O Canada" again just takes away from the whole sense of what Canada is all about, and I don't think that's going to do anything to make our schools safer.

If the government wanted to come in here and talk about how we do that under another guise, then I'm prepared to get into that debate. But when it comes under the guise of trying to make our schools safer, I say no way, it's not going to do anything.

The other point is that in this legislation—I can't believe these guys even think this—we're going to give school principals the ability to kick a student out for up to a year. Then I hear some lame-brained member on the other side of the House get up and say, "That's only in



extreme cases when the child is charged with a serious offence under the Criminal Code." What do you think happens to that kid in the first place? Do we leave him in school when he gets sentenced? If we charge a child under the Young Offenders Act and that child has to go to jail, they're taken out of school. You don't need legislation to do that. So to put it under the guise of, "It's only on serious occasions where the child is charged under the Criminal Code or under a provincial statute that we're going to be able to take them out"—you can do that already. What's the point? Again it's make-me-feel-warm-all-over legislation, placebo politics, number one.

The other point I want to make is about giving that kind of power to school principals. I would argue that (1) most principals in this province don't want that kind of power and don't feel it's necessary; and (2) tell me how in God's name you're going to make our schools safer and, more important, how you're going to add to the contribution this young person is going to make, because they're a problem kid, by throwing them out of school for a year? If we're going to throw a kid on to the streets of the cities of Timmins, Toronto, Kapuskasing or Hearst, I want to know how that's going to make him any better. It's not going to deal with the problem. Oh, yes, take the kid out of school, certainly take that little problem individual who's 15 or 16 years old, who's got all kinds of baggage at home or has some sort of personal problem that he or she can't deal with and is acting out in the class—and that does happen—and, by way of a solution: "Oh, we know how to fix this problem. We're going to throw him out of school."

1640

Man, oh man, I can't believe you guys are in charge of the province of Ontario. You guys should look at yourselves in the mirror to see how silly you are. How you deal with those issues is, yes, in extreme cases to suspend, but certainly not for a year and certainly not without proper supports in place in order to deal with the kid's problem. A kid acts out for all kinds of reasons which we can have a whole debate on. There are kids out there who have real difficulties. I understand that. I taught at the high school level and I certainly understand that some of the young people in our high schools, as well as in primary schools, have problems when it comes to, as we say, *comportement*, behaviour in school. I don't take that away for a second. I know it happens. I've experienced it. I taught at the high school level for a couple of years as a supply teacher in the trades department.

The reality is that you don't deal with those problems by throwing the kid out of school. All you're going to do, I would argue, is make the cost to society in the long run more expensive. If I take those problem children and throw them out of school, on to the streets of the community for a period of time, it's going to do nothing to allow those kids to deal with their problems. You deal with problems by putting them into proper programs that have the support and mechanisms and dollars for them to be able to deal with their problems.

As a matter of fact just yesterday, Sunday morning, I met with Marcel Camirand from the French school board in our region. He is responsible for organizing basically programs for dropped-out kids. He needs money from this provincial government to make sure those programs exist in communities like Hearst, Kapuskasing, Iroquois Falls and the Tri-town. Iroquois Falls, as we know, has seen many job losses at the mill at Abitibi, and now they're going to see the same thing at Monteith. They see this turmoil within their household, they go to school, they get all messed up in their heads because of what's going on at home, they act out and eventually, if they don't get kicked out, sometimes they walk out of school themselves. Marcel Camirand runs a program that takes these kids off the street and puts them into an educational setting that's outside of the school and gives them the kind of support they need so that those young people are able to try to get their lives together and at least come out of the program with their grade 12. He has an 87% success rate, where those kids actually finish with a grade 12 diploma and end up doing something good with their lives.

That's the kind of progressive thing you could be doing. I would argue, if you want to deal with problem kids, support Marcel Camirand and the French school board in the application that they're making in order to build a program that will deal with these problem kids. Allow these kids the kind of support they need, program dollars, to be able to get them to finish their education in a setting that's outside of the school, in a setting that's more conducive to solving their problems. Those school programs under Marcel's program aren't the 20 or 25 students per class that we have in the high schools; they are much smaller and they're in a setting outside of school where the peer pressures aren't the same. Those young people end up doing much better with themselves through that program.

But, no, this government's response is to give school principals the right to throw them out of school for up to a year. "Boy, are we ever smart," said Mike Harris and Janet Ecker one morning. "Boy, we're so smart, we're just beside ourselves. We fixed the problems in schools. They're going to be a lot safer now." Wait until those kids hit your neighbourhood and tell me how you're going to feel about those young people who have been thrown out of school without the proper supports. The government is going to get up and they're going to say: "Oh, don't worry. We're going to put dollars into programs. We're going to make sure that there are programs we can put these young people in, in order to deal with their aggressive behavioural problems." Yes, right. Show me the money, because you haven't done it up to now.

I read the Toronto Star this morning. Just as an example, what I see in my community is manifesting itself here in Toronto: not enough money for special-needs education. If you can't do well by special-needs kids, am I to believe that you're going to do well by kids that are hard to serve because of behavioural problems?

Not a chance. You're going to put them out of sight and out of mind and into the streets. That's where they're going to end up, and I want to put that on the record today. Shame on this government because it does nothing to deal with the problem. What they're doing is trying to shift the problem out of our schools and into the streets.

I say to the government across the way that this, I believe, is a stupid bill that does nothing to deal progressively with the problems in our schools, where there are some children who have behavioural problems that are problems not only for themselves but for their classmates and their teachers too. I accept that, but this bill is not going to do anything to solve those problems. We solve those problems by putting money into the schools, making sure we have proper programs in schools and orientation programs—I'm orientation; I can't remember the term in English, but the counselling service that you provide in the schools themselves and make sure it's there. If you want to do something really progressive, why don't you fund the application I'm about to give to your Minister of Education and support the efforts of Marcel Camirand when it comes to being able to offer special educational programs for kids who drop out of schools, often because of behavioural problems, in the communities of Hearst, Kapuskasing, Iroquois Falls and the Tri-town. Why don't you do that for a change?

**The Acting Speaker (Mr Michael A. Brown):** Further debate?

**Mr John O'Toole (Durham):** It's my pleasure and my privilege to speak on this motion on Bill 81. I'd just remind the members that Bill 81 today has been called not a particularly significant contribution to the debate on education, and I disagree with that. I quite honestly think that the previous member who was speaking, from the NDP caucus, would know that they brought in regulations and changes to address school behaviour, a code-of-conduct kind of legislation. They brought in that model. I think the reason is, it's out there and people see it in many ways, both on the news and in the media.

First of all, there are very few young people in our schools who are actually the problem. I want to start by saying that, by and large, 99% of the children are model students who are working in a world that's changing. It's filled with knowledge and information and computers and global issues, and 99% of them are getting on with meeting the challenging, changing world. There are a few for whom, unfortunately, we require this legislation, to make sure that our schools are safe places for students and safe places for our teachers. That's my starting point. What the whole thing boils down to is that everyone has rights but everyone also has responsibilities. What we're looking for is a balance between the rights and the responsibilities of the individual.

The previous member also made some elusive reference to how unimportant it might be for the national anthem. I beg to differ. I think we start significant events with some moment of reflection and certainly just recently at the ballgame—the Blue Jays and the Montreal Expos—the national anthem was an important part of the

beginning ceremonies for that game. I also see other sporting events and other community events where the singing of the national anthem is very appropriate. It's important for our young people not just to learn the words but to take a moment and reflect and bring some order to the day. I would say no more than that, except that it's part of the history they are actually learning in our schools.

Is this legislation necessary? I was in Peterborough on the weekend and I picked up a few columns. I'm going to quote the Peterborough Examiner, June 10. This is the paper here and it says:

"Student Banned from School Buses.

"A 17-year-old student who threatened to kill a school bus driver got a suspended sentence but was banned from school buses and ordered to behave in school under conditions of his probation."

This took place in Peterborough, a small town; I'm very familiar with it. It says, "The male youth, who cannot be identified under the Young Offenders Act"—that's another issue; there's no accountability. Yet the school bus driver's life was threatened by this abusive student. It went on to say, "The verdict should send a clear message that everyone must be accountable for what they say and do while riding on a school bus." This is Ron Gerow, school bus driver.

I think it's really that tone, that there are consequences for your actions. So that's one. We're talking about motive here. I think there's more to be said here on this program. There's a new program here. This is the same paper, the Peterborough Examiner of Saturday, June 10. I was just reading the Saturday paper. This is another headline here. "Pilot Program to Help Pupils Get Fit, Be Safe." In this one here it goes on to say, "At King George and Queen Elizabeth public schools, parents' greatest concern was traffic, followed by stranger abduction and bullying."

**1650**

The article states, "This program stems from a study performed in February by Trent University." Really, it was children walking to school and feeling safe. They talked about the bullying that occurs going back and forth. I don't know where this aggressive behaviour is coming from, but certainly it is coming.

But it goes further than that. This is the June 10 Peterborough Examiner—I'm giving them lots of coverage tonight.

**The Acting Speaker:** It's quite permissible to read, but not to use anything as a prop.

**Mr O'Toole:** Thank you, Mr Speaker. I won't do that, but I will read from it, with your permission. This one says, "Teacher Acquitted of Assault." It's worth reading this article. It says, "The conduct of some pupils"—in this school; I won't say which school—"grade 6 class was 'terrible' and 'disrespectful,'" Mr Justice Tim Whetung ruled yesterday in finding a supply teacher not guilty on charges of assaulting five of them."

It goes on to say that there was such disrespect in the classroom that this supply teacher was basically being



insulted and intimidated in a grade 6 class. For someone to say that there's no problem, they've either got to be a Liberal or an NDP, because they don't do anything. The way you don't upset anyone is don't do anything. That's the policy of do-nothing governments: if it's going to upset somebody by setting a line in the sand where we protect the safety of the students and the teachers—of course there are going to be those free-thinking, I hate to say it, Liberals who don't stand for anything. I shouldn't say that; I get so upset when I start to think of this.

When I look at the bill—and there have been some suggestions made where I have to correct the record. It's being left to me once again.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** The Liberals are trying to please everybody.

**Mr O'Toole:** Exactly. This one—and I'm reading right from the beginning of the act here: "A new statutory scheme is also created to govern the expulsion of pupils." There's an appeal process in this. "Section 309 provides for mandatory expulsion if a pupil commits an infraction listed in that section or in a board policy. Provision is made for an inquiry and an expulsion hearing. Two categories of expulsion are created"—limited expulsion and full expulsion. It goes on to say that, "Expelled students are required to meet certain requirements before they can return to school." That seems like a very fair, clearly communicated process where there are consequences for your actions. Everyone needs that clear direction in life.

"Programs, courses and services for suspended pupils and for expelled pupils are authorized under section 312 of the act." So there's a mandatory component of providing some sort of program, not just kick them out of the system.

What we have to do is look at the curriculum itself. I can tell you that there are initiatives, for instance, when you're looking at the prevention strategy. This is, respectfully, an ounce of prevention. You've heard the expression. This government understands that prevention is essential with negative behaviour in young people. The grades 1 to 8 health and physical education curriculum includes topics on areas such as bullying, peer assault, gang violence, decision-making and problem-solving. In grades 1 to 6, the social studies curriculum students are expected to learn respect, tolerance and understanding towards individuals, groups and cultures. It starts through having an understanding that with rights there are also incumbent responsibilities: My freedom ends at the end of my swing and at the beginning of your nose.

I think it's important—and that's where I have to end my remarks, because I have to share the time with one of my better friends in caucus—that the federal Young Offenders Act sets the tone that there are no consequences for your action. Anne McLellan should be ashamed that she's not bringing in stiffer penalties for repeat violent offenders. I'm not talking about the first-time vandalism kind of thing;+ I'm talking about repeat violent, predatory-type offences. There are no con-

sequences for the actions. What is that telling the young people? What signal does it send?

What we're trying to say with this rather innocuous little bill is that schools should be safe places for students to learn and for teachers to teach. The curriculum complements that. We have the regulations which I've remitted to try to remediate the issue. I'm appealing to the opposition, those few who are here, to vote for this bill. It's time to do the right thing and speak up for students' safety in our schools. Put the politics aside. It's the right thing to do, and you know it; both of you do.

**Ms Caroline Di Cocco (Sarnia-Lambton):** I'm pleased to have an opportunity to add my voice in opposition to this bill. The reason I'm opposing this bill is because it's developing this myth that codes of conduct are something that the Harris Conservatives know something about and no one else in this province knows anything about.

I have asked all of the schools and our school boards in Sarnia-Lambton to provide to me their codes of conduct, because one of the things that seems to be missing here is the evaluation that codes of conduct are a part of every school in this province as we speak. I have a handbook, *A Safe Learning Environment*, from the Lambton Kent District School Board. It talks about violence-free schools, and this is at every school. This is a comprehensive document, and it speaks about prevention; it talks about intervention and also implementation of school strategies. I would like to suggest to the honourable members that codes of conduct also have to deal with prevention, and prevention is something that this government doesn't seem to understand. It only understands the punitive aspects of what they call codes of conduct.

This is the document from the Lambton Kent District School Board. I also have codes of conduct from St Patrick's High School, from St Christopher's High School. Sarnia CI & TS in Sarnia-Lambton has a code of conduct. Northern has a code of conduct. Alexander Mackenzie has a code of conduct. Gregory Hogan school has a code of conduct. St Theresa's Roman Catholic School has a code of conduct; St Joseph school. We've got Sacred Heart school. We've got Our Lady of Mercy. We have St Michael's Roman Catholic School; Queen Elizabeth II school. We have Aberarder Central School. We have Lakeroad Public School. We have Brights Grove school. I have Rosedale Public School's code of conduct. We have here Errol Road Public School. We also have King George VI school's code of conduct, and I have High Park school as well.

What I find absolutely offensive is the implication, or at least the suggestion, that a code of conduct is something that has to be, if you like, imposed on the province by this government, making assertions that there are no codes of conduct unless they impose them.

The other aspect of this bill that I have a real problem with is that this bill is basically, in my estimation, about control. It's about control by the minister. In Bill 81, all the various sections talk about—in section 301, it says,

"The minister may establish a code of conduct governing the behaviour of all persons in schools."

Another section says, "The code of conduct is a policy of the minister."

It goes on to say, "The minister may establish additional policies and guidelines.... The minister may establish policies and guidelines with respect to disciplining" students. I don't know where the minister's going to find all this time to go to every school in this province and micromanage the system.

"The minister may establish policies and guidelines to promote the safety of pupils.

"The minister may establish different policies and guidelines under this section for different circumstances...."

Literally, it's all about control. That's basically what this bill is about. It has nothing to do with enhancing or adding to safety in schools, because in actual fact the previous bill—and I have in front of me an evaluation that was done and prepared by the Institute for Catholic Education. What they have done is they've evaluated the implications of the Education Accountability Act and they suggest that "notwithstanding the reduction of average class sizes under the Education Accountability Act, there will be fewer teachers available to cover classes through the on-call process to support field trips and school activities."

It says that among the areas that will be affected are supervision and safety, staffing, co-curricular and extra-curricular activities, and coverage of absent teachers' classes. So one of the areas that's going to be problematic is supervision and safety.

1700

I have received numerous letters from teachers, students and parents in my reading and across the province, and I must put on the record a very emotional letter that I received. It stated:

"Little did I know 15 years ago, when I began the lengthy process of earning my teaching credentials, that after finally earning the right to throw my heart and soul into a profession that I am deeply impassioned about, I would soon hereafter find myself cast as the antihero of the politically charged, dollar-driven educational drama which continues to unfold in Ontario under the Harris Conservatives."

She goes on to say:

"I absolutely love teaching. I am completely nuts about 140 young people who were entrusted to my care this year. However, I admit that my ability to relate on an individual level with students was stretched to the breaking point when I had a peak number of 196 students in my care in the fall of 1998 when we had our first three-month taste of teaching 6.5 courses, as Mike Harris would have us do from now on."

She adds:

"Why am I writing a letter which, painfully, may never be read or seriously taken into consideration, especially as my dining room table is piled with students' work which must be evaluated before our mark deadline

a few days hence? Why do I take the time after I've spent five hours in meetings last week, an additional 10 or more hours at home crunching numbers in my role as co-chairperson of our school's budget committee, trying to find ways to bridge a \$105,000 gap between the \$240,000 our department needs and the \$135,000 that has been allotted?"

She goes on about Bill 74 in particular and says:

"But what a shame that these proposals were not introduced in a spirit of mutual respect rather than being permeated with vindictiveness, included in an omnibus bill that, if closely examined, is structured in a manner which undermines many democratic and enlightened ideals that teachers spend much of their time highlighting for students."

You know, one of the worst scenarios here is the fact that this government's systematic and sustained attack on teachers is going to do nothing to improve education. It's going to continue to erode our public education system, and I hope it doesn't do it to the point where it's irreparable.

**Mr Rosario Marchese (Trinity-Spadina):** I'm happy to be here, because I was in committee in room 151. We were dealing with Bill 74, the act that whacks teachers very badly. We've got a couple of hours to do the clause-by-clause and when that's done it comes here for third reading debate and it's gone. So while my friend and colleague Gilles Bisson is sitting in for me, I'm here to speak on Bill 81.

You see the speed with which these bills are moving? They just keep on coming. It's never-ending. They never end.

**Mr Frank Mazzilli (London-Fanshawe):** Promises made, promises kept.

**Mr Marchese:** Promises made? With Bill 81, before I get back to Bill 74 in a little while, what problem are we trying to fix? What is Bill 81 fixing that we don't already have in place?

**Mr Gill:** Real benefit for real people.

**Mr Marchese:** "Real benefit for real people." What does that mean? It may be true to you and in your own mind, but what does Bill 81 say except, "We're going to be tough on kids"? That's the message. Yes, it is. It's the law-and-order punishing message that you people like to talk about. It's punitive. That's what you want to be able to communicate to the public.

The real point is we already have a code of behaviour. Since 1994 we've had a code of behaviour. They say: "Oh no, it's not good enough. It's just not good enough." Why isn't it good enough to have a code of behaviour that's in place that deals with bad behaviour, that deals with students who are difficult, that deals with students who bring in guns or do drugs in the classroom or cause violence to some other student? The code already says that when that happens you bring in the law. Frank, you're a former policeman; you would know. When that happens, when some kid comes in with arms, you would be there. You would be called upon to deal with that problem.



What does the code of conduct do that the code of behaviour brought in by the New Democrats doesn't? It's the same thing with a new name, except, "Now we call it the code of the conduct and we, the Tories, have brought it in." There you have it: "We, the Tories, brought it in, therefore it's different. Therefore it's"—you got it—"better."

What problem are we trying to solve except a political perception issue, a placebo politics kind of thing? Placebo politics: Make people feel good; tell them you're doing something. Even if it isn't new, just tell them it is. That's what they're doing. That's what Bill 81 is all about.

To top it off, the minister says: "The teachers have asked us to bring it in. The teachers have asked for this." We ask: Name one, name two, name three. Or, to start backwards: Name three, name two, name one. There aren't any teachers who asked for the power to suspend, because they are afraid of teachers suspending students willy-nilly, without a process. I remind you, good public, when the minister made this announcement a couple of months ago, there was no process in place. Journalists laughed at her and said: "Excuse me, we have no process in place in terms of dealing with an appeal. Should a teacher decide on the spur of the moment, in the heat of the moment, 'You're gone from the classroom,' they magically disappear and there is no process of appeal?" The journalists were in consternation. They thought it was the oddest of things that teachers would expel and there's no process of appeal. Does it seem odd to you, Frank, as a former policeman? Rule of law is basic, right?

I said at the time, "Minister, is there any research that would show or prove that somehow we have a problem now bigger than before?" She said, "No, our research is we've talked to students, we've talked to parents and we've talked to teachers." That's the extent of the marvel of this government: "No, we don't need any objective research because the way we achieve objectivity is we talk to teachers, we talk to students and we talk to parents." So we asked, "Name one."

**Mr John Hastings (Etobicoke North):** That's private.

**Mr Marchese:** It couldn't be so private to name one parent who says, "By the way, the rules are too lax." It couldn't be so private to name a school where you might have had these discussions. If anything, invent a school if you have to, but name someone. Name a school, name some process that you were engaged in.

I've got to tell you, the same thing applies to Bill 74. You know, the bill that would have forced teachers to work after school, no longer voluntary? That's Bill 74. It's not a negotiated thing between teachers and government; the government says: "You will teach it whether you like it or not. You will do sports whether you like it or not. You're not a football player? Too bad. You will be." Imagine a teacher saying: "I'm not a football player, but I'm being mandated to coach football, or hockey. I can't play the sport. Besides, you can't obligate or man-

date me to play a sport I have no interest in or love for. I'm going to say, 'Fine, you put me on the field and I'll coach,' and the students will say: 'Sayonara. We're not going to play football with a teacher who doesn't have a clue about the game.'"

1710

The bill that's being debated in clause-by-clause in committee right now—it was beautiful: Today Madam Ecker, in response to a question by another opposition member that she was cutting staff, said: "Where does it say that? Show me where it says that." She did have the courage—I dare say, temerity—to say, "Where does it say" that she's cutting staff?

So in my question I pointed out to her quite clearly how she's doing that. She knows, and she didn't even answer my question. I didn't expect her to. But I pointed out in clear, grade 3 kind of language, more or less—grade 3, grade 4 or grade 5—in order to be clear, for the purposes of lucidity, I made sure she could comprehend what I had to say. I said to the minister, "If you change the definition of instructional time, which now obligates teachers to teach another 25 or 30 students"—because that's what your bill does. You know that figure, 6.67 periods? John, you would know that as a former teacher.

**Mr Hastings:** I'm not a good mathematician.

**Mr Marchese:** Yes, but you were a teacher, so you would know the implication of that by practical experience. The implication of 6.67 is that teachers will now be forced to teach 25 to 30 more students.

The minister says, "That's more contact time." We say: "No, that is not more contact time with individuals who need help. That's more students being taught, not leaving the teacher free to teach those who need help." If you block in every moment of the teachers' lives to teach more students, they have no time to assist students who desperately need help in a field such as biology, math, chemistry or, dare I say, trigonometry or the like.

So I said to the minister, "By getting fewer teachers to teach more students, you will be firing 1,500 teachers," give or take a few, Speaker; I know this subject interests you. Fifteen hundred teachers gone, anywhere from 1,500 to 2,000, but to be modest let's say 1,500 teachers gone, and in response to an opposition question that we would be cutting staff the minister says, "Where in the bill does it say that?" There you have it, John. You understand, right?

**Mr Hastings:** You got your formula mixed.

**Mr Marchese:** Quite appropriately, member for Etobicoke North, your minister decided she'd better not answer the question. But she knows. You see, that's the game. She knows the politics, but she pretends she doesn't have a clue and then turns it around and says: "No, we are putting more teachers into the classroom. We are reducing class size. What's wrong with that?" There's nothing wrong with reducing class size. But if you fire a couple of thousand and then put a few bucks back in and say, "We're decreasing class size," do you see the math, member for Etobicoke North? The two things are not symmetrical. One contradicts the other. We

fire 1,500 or 2,000 teachers and then we put a couple back and say, "We're putting more money back into the classroom." That's the bill that's being debated downstairs in 151 that I'm missing to debate Bill 81, which deals with a problem we don't have in our school system.

They say, "We're responding to the teachers," and the teachers are saying: "Sorry, Madam Ecker, we didn't ask you for that power. We already have the code of behaviour." So I'm assuming she would say, "Too bad, you're getting it anyway," like extracurricular activities. "Too bad, you're getting it anyway. We know you're doing it voluntarily, but we don't like that. We want you to do it mandatorily." Mandatorily. Do you get the word "Tory" in there? Everything fits into Tory.

Bill 81 also empowers the minister to gather information on whomever she wants in the school system and then presumably give this private information to anybody she chooses. It's in Bill 81. She's empowered to collect information on the basis of gender, sex, creed—on the basis of anything. It's in Bill 81. For what purpose, and to whom would she want to give that kind of information? Should this kind of power be entrusted to the minister, and why is it needed in the first place? I don't trust this government. Second, why would we give ourselves such power? For what purpose? I don't know. From everything we've seen of this government, I don't trust them, and neither does half the population. I hope more than half the population doesn't trust this government.

Theirs is a punitive agenda. It's based on punishing people, on punishing young people. It demonizes young people, in effect, at least in terms of the politics of it. There appears to be no desire or interest on the part of this government to mediate a problem, no desire to talk about how we prevent a problem, no desire to find a solution to bad behaviour or to understand why it's happening—no interest, no desire. It's a punitive agenda that says, "Students misbehave and they're gone." Magically, they're gone. "We'll simply throw them out of the classroom and we'll create a boot-camp style of classroom that doesn't exist." But it doesn't matter for the general public; all they need to know is that you're creating a boot-camp kind of classroom somewhere outside of the classroom, assuming that by law you could oblige them to do that, once they're out of the school. And the problem is gone.

With this kind of government and this kind of politics, we don't have time to talk about things. We don't have time to understand why things happen and how we mediate a problem. We have to simply establish a law-and-order agenda, and when an activity happens that is against the law we simply clamp down. That's the basis of this government's approach to problems. They're not interested in understanding why problems occur.

For a New Democrat it's almost primal—it is. We need to understand why some students have a problem. Is it because there's stress in the home? Is it because a parent or both parents are drinking? Is it because there might be general substance abuse in the family? Is it

because there might be some mental illness in the family? Is it because both parents are so stressed out with work, that they have so very little time to devote to their children, that their children, in response to that kind of thing, and with a desire to reach out, to be able to say, "I'm looking for some attention," may act out in the school?

You would want a teacher to be able to try to reach out to that young man or woman and say, "We're going to help." But no, the way this government is approaching it is to say: "We've got a problem. Throw them out." That's the approach of the Tories. Isn't that the approach of the Tories? Am I misstating the issue, do you think? Young people who are poor, kids who suffer poverty in the home, day in and day out, bring a problem to the school system. It's inevitable that if I'm suffering an economic loss of sorts or an emotional loss of sorts, I'm going to have a problem in the classroom, not as a general rule, but by and large it happens. What you want is a school system to be there to help out.

So they cause a problem such as underfunding our institutions, of which the deceased Dr Paul Steinhauer said, "Even the province's plans for so-called boot-camp schools for expelled students would just create breeding grounds for bad behaviour." Dr Steinhauer was the head of Sparrow Lake Alliance, or a member of that alliance, and he said, "All the government cutbacks to schools and social services are causing a significant increase in the number of kids behaving in a negative and disruptive manner."

1720

You people caused the problem. You, the Conservative government, caused the problem. You nod your heads. I'm simply looking to an expert who gives an expert opinion, which—presumably in your terms he's not an expert. You say, "No, no, no." He says quite clearly that your cuts have caused, in many instances, misbehaviour in our school system. Then you, in order to correct the problem, punish the student even more. Instead of acknowledging that perhaps you have been responsible for the problem, you say, "We'll correct the problem we've caused by punishing them some more." It's tragic. It really is tragic.

I think the member for Dufferin-Peel understands what I'm saying and I suspect he believes in what I'm saying. I even suspect that in his caucus he might be saying, "We are going in the wrong direction." But of course he has no voice in caucus—not because you don't have a voice; not for any reason. It's because your cabinet is strong and the Premier's office is even stronger and they shut you guys out. I'm not saying you don't have any power—

*Interjection.*

**Mr Marchese:** Oh, very good, Frank.

*Interjections.*

**Mr Marchese:** Very good, member from Etobicoke North. You're listening to my speech, I can tell.

**The Acting Speaker:** Through the Speaker, please.

**Mr Marchese:** They're helping me out. Even the member from Etobicoke North—now, he was a former



teacher. I suspect he too must have said, while he was in caucus: "No, there's already a code of behaviour. Good God, if we introduce a code of conduct, some people might catch on and they might say we're playing a game here." I suspect he too has no voice in caucus, because cabinet and the Premier's office in particular, the cabal that used to include Tom Long at one time—but he's busy now; he's busy trying to put into effect all of the things you fine people have put here in Ontario, a national kind of politics, Tom Long style.

**Mr Peter Kormos (Niagara Centre):** How's he doing?

**Mr Marchese:** I think he's doing OK. I suspect Manning is a good grandfather of the Reform Party. No offence. Good God, no offence to anyone reaching an age where they're getting on.

**Hon Margaret Marland (Minister without Portfolio [Children]):** Like you and I, Rosie.

**Mr Marchese:** I am getting there too. Age is an inevitable law of human nature.

I suspect people will have a choice between Tom Long, the so-called architect of your Common Sense Revolution, and M. Day, the karate guy from Alberta who is trying to tone down some of those tendencies that are somewhat extreme of the right. He wants to be able to bring in people from Ontario to support him, so he has to be careful, right?

**Mr Kormos:** But isn't it still just the same old Social Credit Party?

**Mr Marchese:** It's the same old garbage. It was the Social Credit party at one time, then the Reform Party, then Social Credit, right? It's all the same stuff. And now what do we have? The Canadian Reform Conservative Alliance. My God, is this title ever an evolving one, eh? It's big. It's getting longer and longer. It's going to be as inclusive as you need it to be to bring everybody into the party. The party's big.

**Mr Kormos:** I don't think it will work.

**Mr Marchese:** I hope it doesn't work. I've got to tell you, I'm frightened as hell. Their tax cuts, if they haven't caused enough damage, of which Walkerton is but one mere example of the tax cuts and the decapitation of the ministry and of the downsizing in their ministry and the privatizing—if we haven't seen Walkerton as one mere example of this kind of agenda—good God, M. Long or M. Day want to extend it throughout all of Canada.

Madam Minister, nice to see you. Madam Ecker is here to join me. I know she was listening to me in the other room.

**Hon Janet Ecker (Minister of Education):** I wasn't getting the full flavour up there. I had to come in.

**Mr Marchese:** I appreciate that, because I like contact. I like more contact with the minister. It's direct and we can see each other; exactly.

We're not even getting two hours on this bill. What gives? Not even two hours. Member for Dufferin-Peel, can you believe your minister not even giving two hours of time to the good public to debate Bill 81? I think the public deserves a little more time, but the minister says:

"No hearings. It's enough for accountability. You elected us once. That's accountability enough."

Well, sorry, I think, yes, they elected you twice—the Lord is not merciful—but surely when you introduce bills in this place, the public expects you to take them out for some debate. Two hours. One day, one afternoon, at least. You've got to give a modicum of some democracy in the province. You've got to give us a little. But you give us nothing. There is no debate any more. They're shutting everybody out, and I suspect people are as mad as hell and they're not going to take it any more.

**Mr Mazzilli:** It's my privilege to speak to Bill 81, first by acknowledging that our teachers in this province do a wonderful job with students, and in the vast majority of cases, our students are certainly benefiting from that experience.

I had the opportunity to hear different viewpoints of the House. The member from Sudbury talked about his teaching days, either 33 years ago or back in the 1930s, I'm not sure. But essentially he said there has always been a code of conduct. There always was in his school; it was a policy.

The member from Trinity-Spadina talked about a zero tolerance policy of calling the police when his government was in power.

Essentially, that's what this is all about. In the past there were policies that principals and teachers could not really enforce. They were understood. That's why our government has taken some of the past policies, listened to our teachers and our principals, and made it an act, "An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act." That's what that's about. It's combining all of the past things that were unwritten into an act.

Let's look at the intent of this. The NDP and Howard Hampton had shown leadership in this in the past when they were in government, to put some of these things into their code of conduct. Dalton McGuinty, on the other hand, shows no leadership and opposes all of this, and I certainly wonder who he's taking his marching orders from.

We've heard about intentions to prevent crime. In 1997-98: possession of weapons, 20 young students were expelled and 649 were suspended for that purpose; threats of serious physical injury, eight were expelled and 1,429 were suspended; assault causing serious bodily harm, 22 were expelled and 2,289 were suspended. That's what the intent of this legislation is.

We've heard of prevention. Well, let's look at the intent: "To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity." Who are we talking about? We're talking about our teachers and our principals, to be treated with respect and dignity. I know when I went to school and when most people in this House went to school, you certainly treated your teachers and your principal with respect and dignity, and that's some-

thing that parents want again, and teachers want, to ensure a quality education.

The second intent is, "To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community." This is not only as young people, to learn to participate in our communities, but something that needs to start early on. We all need to continue in that. As adults, we become involved in many different organizations and charities in our communities, so we want to encourage that from a very young age.

1730

I only have a few minutes left but, "To maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility." Obviously we will not all agree on everything in life, and certainly that's open to debate, but the way some of these confrontations have been handled in schoolyards is not the way for a person or parent can condone, with violence.

"To encourage the use of non-violent means to resolve conflict." We want to learn at a very young age how to resolve conflict without violence and hopefully carry that into our adult lives.

"To promote the safety of people in the schools. To discourage the use of alcohol and illegal drugs." Like I said earlier, the NDP and Howard Hampton had started on this road when they were in government, but it's a road that many teachers and principals felt was unenforceable. They called in the authorities, the police, to investigate things, but if no Criminal Code laws or no provincial laws had been violated, that code had no powers beyond that.

When we look at things like threats of serious physical injury, if it does not meet the criteria under the Criminal Code, then how could you suspend a person? You can threaten someone without it fitting the criteria and still not be acceptable in a schoolyard. That's what this act does and now clarifies. It gives teachers and principals the authority, for the very few people who continually—and I stress that—interrupt school life to remove those young people to allow the majority, in my view, to have a quality education.

Speaker, I'll be sharing my time with the Minister of Education.

**The Acting Speaker:** Further debate.

**Mr Ernie Parsons (Prince Edward-Hastings):** Bill 81, the Safe Schools Act—another misleading title from the cute-name people who brought us the Safe Streets Act. It certainly infers that there's a safety problem in our schools. In 17 years as a trustee, I visited a school at least once a week, probably closer to twice a week, and I didn't see schools out of control and I didn't see young people out of control. I saw education taking place. I saw quietness and calm within the buildings. However, I appreciate that in the movies and on TV we see what's going on in the American school system and so we're going to model it in philosophy here, because the government thinks if we can create the perception that there's a

problem, then we can solve a problem that doesn't exist and get credit for it. Interestingly, the solution is to take the American solution to their problem, which has been proven not to work there either.

The simplistic approach of singing the national anthem each morning: I think that's a wonderful idea. It is played every morning in every school now. The issue of singing with it is rather new, and I'm not sure how you will make a 13-year-old boy, whose voice is changing, sing the national anthem. I guess it's mandatory and he's going to sing it whether he likes it or not. But I believe we don't mandate and legislate respect for our country; we model it. As with our generation, the responsibility is to model what should be happening in our schools.

I would like to talk about the safety issue. In many cases, the hazards that are in school are not from the school community but with people coming in from outside of the school, with intruders into the building. What have we seen happen to prevent that over the last five years? Actually, rather than preventing it, it's getting worse. In many cases, the first school board employee who would come into contact with someone who should not be in the school would be the custodian. Funding for the maintenance of schools has been dramatically cut, and there are now schools in Ontario that don't have a custodian on during the day. They come in the morning before school starts and they return afterwards. Or they're no longer board employees; they are from companies that come in during the evening to clean. That first initial contact of the custodian in the hallways is lost to making schools safe.

Secretaries: The front door, a key component in identifying who's coming into the building and who should be there. Many of our schools in Ontario no longer have full-time secretaries, so we have that front desk empty now for parts of the day.

Certainly teachers are a key factor in keeping the schools safe. However, if we consider this in conjunction with Bill 74, there will be fewer teachers. The teachers will be teaching more hours and there will be fewer of them, which reduces the presence in the classroom for that person to be available to notice somebody who should not be there.

Interestingly, as the teachers are teaching more minutes and there are fewer of them, there will be a lower possibility for a student who wants to come and speak to a teacher to get extra help during the day. The teachers will be in class. What's the alternative for the student? The student can stay after school and speak with the teacher. But not all of Ontario exists within the 905 and the 416 area. When we get into rural Ontario, students can't stay after school and still have that late bus to go home on. The funding for the late bus has been substantially reduced or eliminated, so now we have students who, if they stay after school for extra help, are going to have to get a ride home, which is relatively safe, or they may try to hitchhike, which is not safe. So the reduction in teacher availability and the elimination of



the late buses causes us to put our young people more at risk when they're simply trying to get home.

Larger classes make the students less safe. Larger classes prove more challenging for the teachers. No longer can boards put in an educational assistant simply to work with the class as a whole because of its unique or complex nature. Now the educational assistants are tied to a particular student, so if a class has a lot of challenging students, it can't get the EA unless one is particularly challenging.

I certainly agree with suspensions; I agree with expulsion. But to put it in context, as a trustee and board chair, a board with about 20,000 to 21,000 students, our board expelled one student in the 17 years that I was on the board—one student. That's how unsafe the school was.

How the system works now, and it's not broken, is that if a student is to be suspended because of something in a classroom, the principal is responsible for that suspension. If a student is to be expelled, it is done by the board. That system works great. The new system presents great risks. You've got a teacher in a classroom now with the authority that she or he didn't ask for to suspend a student, a student they can suspend for one day but who will return the following day, to be back in that classroom with that teacher who has suspended them. We don't require the victims of other crimes to levy the penalty on the person who committed the offence against them. We don't say to police officers, "Once you've identified the problem, you not only lay the charge but you impose a sentence on it." We understand the need for the teacher to be neutral or for a victim to be neutral, so we're forcing the teacher into having some responsibility that he or she doesn't want and should not have. The environment in that classroom should not be disrupted by a teacher also having to serve as a judge and jury.

For the principal in the school, the authority to expel is rather awesome. When boards contemplated either long suspensions or expulsions, there were in many cases appeals or even lawsuits over it. I believe it is the board's responsibility as an employer for that particular individual to take the responsibility for any lawsuits or resulting actions out of it. That's not the case in this.

We also need to recognize that although the new bill purports to identify those automatic things that happen, the phrase "zero tolerance" is wonderfully colourful to describe, but I can think, over the years, of young people we have fostered who have been behaviour problems at school. They have been behaviour problems there because of neglect in the home or physical or sexual abuse in the home, and they were victims acting out or trying to get help, rather than to be punished for their actions.

For the young people in our schools, if this act is intended to legislate respect, I would suggest the best way to get their respect is to model respect for them. We have not seen this government model respect for all the citizens of Ontario. The money that is used for the ads for education, both before the last election and the money that's being used now, is money that belongs in the class-

room for the students, not money going to the media. Our young people are not stupid. They understand. When there isn't funding provided for a textbook but they can see an ad on TV on how much the government cares, there is cynicism and hypocrisy there.

1740

The approach being taken to special ed is demeaning to the student and the parent. There's a lack of respect there. A parent has to strive to present their child in the worst image possible to ensure that they get the funding that child needs. There's no respect for the board staff who used to be able to assess a child and identify what level of support they required. Now all knowledge lies within the ministry: "Parents don't know about their child. Teachers don't know about their child. The decisions have to be made here." The parents are put in that awful position of hoping and striving to make their child identified as one with extremely high needs, which is a somewhat humiliating process for a parent to go through. It may be humorous to some in this room, but it's not humorous to parents when they have an extremely high-needs child.

The powers given to this minister to collect and disperse information are powers that have not been earned. We need only think about the 50,000 pieces of information the Province of Ontario Savings Office released to say we cannot trust this government with the type of personal information that the minister is able to collect, with no restrictions at all on who it is to be shared with. We're going to ask parents to open their souls and tell us everything about their child for special-ed funding, with no assurance or guarantee that that information is restricted in where it goes.

This bill is not a flawed bill that needs amendment. This is a bill that reflects a government that has clearly not earned the trust of parents, of educators, of people in the education community who know what's going on. This is a bad bill.

**Hon Mrs Ecker:** I have a few minutes left to sum up on behalf of my caucus. My colleagues have certainly articulated very well the need for this legislation, the need for a code of conduct in our schools across the province. Yes, as the member for Sarnia-Lambton mentioned, certainly there are some schools with codes of conduct out there, but one of the messages we heard loudly and clearly, from not only parents and students but also from teachers, was that there were still too many times in our classrooms where teachers and students did not feel safe, where they wanted better authority or they wanted to be backed up when they made those decisions to keep themselves, or to keep their students, their classes, their schools, safe. It was very much something we heard loudly and clearly.

The member for Trinity-Spadina, in his usual eloquent and creative way, talked about the lack of consultation. Well, on this particular legislation, there have been many, many meetings, many, many consultations. That's indeed why we're bringing this forward. My predecessor, the Honourable Dave Johnson, when he was Minister of

Education, had many meetings the last year before the election where the need from teachers and parents was clearly articulated here. We said before the election, and we did it in writing, that if elected we would put forward a code of conduct that set very clear standards for behaviour in our schools, that had very clear rules for if those standards were broken, that our goal was not only to keep our teachers and our students safe but to also bring back respect and responsibility, good citizenship, to bring those values back into our classrooms. We said very clearly that if we were elected, we would proceed with this.

So after the election, when I became minister, I had many meetings, my staff had many meetings, again with parents, with teachers. We talked about the need for this in schools. That is what this legislation does. We've actually announced all of the components of this. They're in this legislation. There's nothing new, if you will, in terms of what we see before us. It is simply putting in place the promises we made to the teachers, to the parents, to the students of this province.

The other thing I should also point out, since I know the opposition likes to quote opinion polls, is that there have been recent public opinion polls done by other organizations which show very, very high, 80% and 90%, support for this kind of initiative from parents out there. So there very much is a need for this.

I'd just like to finish by talking about a young lady in my region. The Elementary Teachers' Federation of Ontario has a wonderful award every year, student of the year, and that young lady spoke with great eloquence about her future, about going into high school in her community. What was so shocking was how that young woman also talked about her fear, her fear of going into a high school in a basic, safe, suburban community.

That is why we need to have this code of conduct: to make sure that our young people do not have fear, that our teachers do not have fear. All you have to do is listen to a parent whose child has been a victim of bullying, whose child has been harassed, who's been threatened, who's actually been harmed and the school or the school board did not take the steps they should have taken.

This code of conduct is there to make sure our teachers and our students are safer in our classrooms. I would like to ask the members to support this legislation.

**The Acting Speaker:** Thank you. The time allocated for debate is now complete.

Mr Hudak has moved government notice of motion number 54. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1746 to 1756.*

**The Acting Speaker:** Would members please take their seats.

Mr Hudak has moved government notice of motion number 54.

All those in favour will please rise one at a time.

#### Ayes

Arnott, Ted	Hardeman, Ernie	O'Toole, John
Baird, John R.	Hastings, John	Ouellette, Jerry J.
Barrett, Toby	Hodgson, Chris	Runciman, Robert W.
Beaubien, Marcel	Hudak, Tim	Sampson, Rob
Chudleigh, Ted	Jackson, Cameron	Snobelen, John
Clark, Brad	Johns, Helen	Spina, Joseph
Clement, Tony	Johnson, Bert	Sterling, Norman W.
Coburn, Brian	Kells, Morley	Stewart, R. Gary
DeFaria, Carl	Klees, Frank	Stockwell, Chris
Dunlop, Garfield	Marland, Margaret	Tascona, Joseph N.
Ecker, Janet	Martiniuk, Gerry	Tilson, David
Elliott, Brenda	Maves, Bart	Sterling, Norman W.
Eves, Ernie L.	Mazzilli, Frank	Turnbull, David
Flaherty, Jim	Molinari, Tina R.	Witmer, Elizabeth
Galt, Doug	Munro, Julia	Wood, Bob
Gilchrist, Steve	Murdoch, Bill	Young, David
Gill, Raminder	Newman, Dan	

**The Acting Speaker:** All those opposed will please rise one at a time.

#### Nays

Bartolucci, Rick	Gerretsen, John	Marchese, Rosario
Bisson, Gilles	Hampton, Howard	Martel, Shelley
Boyer, Claudette	Hoy, Pat	McLeod, Lyn
Bradley, James J.	Kennedy, Gerard	Parsons, Ernie
Churley, Marilyn	Komos, Peter	Patten, Richard
Conway, Sean G.	Lalonde, Jean-Marc	Phillips, Gerry
Di Cocco, Caroline	Lankin, Frances	Ramsay, David
Dombrowsky, Leona	Levac, David	Sergio, Mario
Duncan, Dwight		

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 50; the nays are 25.

**The Acting Speaker:** I declare the motion carried.

It being past 6 of the clock, this House stands adjourned until 6:45 of the clock.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Marie (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Beaches-East York	Lankin, Frances (ND)	Hastings-Frontenac-	Dombrowsky, Leona (L)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Lennox and Addington	
Brampton Centre / -Centre	Spina, Joseph (PC)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiques, de la Culture et des Loisirs, ministre déléguee aux Affaires des personnes âgées et à la Condition féminine
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)	Kenora-Rainy River	Gerretsen, John (L)
Broadview-Greenwood	Churley, Marilyn (ND)		Wettlaufer, Wayne (PC)
Bruce-Grey	Murdoch, Bill (PC)	Kingston and the Islands / Kingston et les îles	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Burlington	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister of Tourism / ministre du Tourisme	Kitchener Centre / -Centre	Beaubien, Marcel (PC)
Cambridge	Martiniuk, Gerry (PC)	Kitchener-Waterloo	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Intergovernmental Affairs, government House leader / ministre des Affaires intergouvernementales, leader parlementaire du gouvernement
Carleton-Gloucester	Coburn, Brian (PC)		<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Consumer and Com- mercial Relations / ministre de la Consommation et du Commerce
Chatham-Kent Essex	Hoy, Pat (L)	Lambton-Kent-Middlesex	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Davenport	Ruprecht, Tony (L)	Lanark-Carleton	Wood, Bob (PC)
Don Valley East / -Est	Caplan, David (L)		Mazzilli, Frank (PC)
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Minister of Transportation / ministre des Transports	Leeds-Grenville	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Solicitor General / solliciteur général
Dufferin-Peel- Wellington-Grey	Tilson, David (PC)		<b>Sampson, Hon / L'hon Rob</b> (PC) Minister of Correctional Services / ministre des Services correctionnels
Durham	O'Toole, John R. (PC)	London North Centre / London-Centre-Nord	DeFaria, Carl (PC)
Eglinton-Lawrence	Colle, Mike (L)		<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children) / ministre sans portefeuille (Enfance)
Elgin-Middlesex-London	Peters, Steve (L)	London West / -Ouest	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines	London-Fanshawe	
Essex	Crozier, Bruce (L)	Markham	
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of Labour / ministre du Travail	Mississauga Centre / -Centre	
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)	Mississauga East / -Est	
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Mississauga South / -Sud	
Guelph-Wellington	Elliott, Brenda (PC)		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion		
Halton	Chudleigh, Ted (PC)		
Hamilton East / -Est	Agostino, Dominic (L)		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Minister of the Environment / ministre de l'Environnement
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	<b>Harris, Hon / L'hon Michael D.</b> (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister without Portfolio / ministre sans portefeuille	St Paul's	Bryant, Michael (L)
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stoney Creek	Clark, Brad (PC)
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thornhill	Molinari, Tina R. (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Oxford	<b>Hardeman, Hon / L'hon Ernie</b> (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parry Sound-Muskoka	<b>Eves, Hon / L'hon Ernie L.</b> (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	Stewart, R. Gary (PC)	Vaughan-King-Aurora	<b>Palladini, Hon / L'hon Al</b> (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Education / ministre de l'Éducation	Waterloo-Wellington	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Wentworth-Burlington	Vacant
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	Windsor-St Clair	Duncan, Dwight (L)
Scarborough East / -Est	Gilchrist, Steve (PC)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Monday 12 June 2000

Lundi 12 juin 2000



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 12 June 2000

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 12 juin 2000

*The House met at 1845.*

## ORDERS OF THE DAY

### TAXPAYER DIVIDEND ACT, 2000

### LOI DE 2000 SUR LE VERSEMENT D'UN DIVIDENDE AUX CONTRIBUABLES

Mr Young moved third reading of the following bill:

Bill 72, An Act to pay a dividend to Ontario taxpayers, cut taxes, create jobs and implement the Budget / *Projet de loi 72, Loi visant à verser un dividende aux contribuables de l'Ontario, à réduire les impôts, à créer des emplois et à mettre en oeuvre le budget.*

**Mr David Young (Willowdale):** I appreciate the opportunity of speaking to this very important budget bill. I should say, by way of background, that over the last number of weeks I've had the opportunity to travel across the province to speak to many individuals in many parts of this great province about the contents of this very important piece of legislation. While there certainly are some out there who required further information, documentation, by and large, I say to you in all sincerity, there is a general acceptance and excitement about this bill.

I want to say as well that I will be sharing my time this evening with the member for Northumberland and the member for Peterborough, with your permission.

Economic growth is essential. It's absolutely necessary if we're going to sustain, if we're going to maintain and strengthen the social supports that exist in this province. In order to enhance the quality of life that the people of Ontario expect and deserve, it's absolutely essential that we have the economic wherewithal, strength and foundation to afford the health care and the education we all have come to expect. By any measurement, the 2000 budget is a success and it takes us well down that road.

I have said it before in this House and I will say it again this evening: The budget highlights our successes over the past five years as a province and talks about just how far we've come. It also sets out a framework for the future—a very important framework that will undoubtedly result in continued success and accomplishment in this province.

But as we begin the last round of this budget debate, it's important to spend a little bit of time, and I'll only use a small part of my time this evening, talking about

just how far we have come. As we talk about, as I will for the vast majority of the time I have in front of you, balanced budgets and brighter futures, we must indeed remember just how far we have come over the past five years.

It's important from a contextual point of view to remember that when we took office in 1995, the people of this province, this government, faced a projected deficit of \$11.3 billion. At that time, Ontario was still recovering from a deep recession, there's no doubt about that, but it was a recession, I dare say to you, that was made worse by an NDP government that had wasted much of those five years on a tax-and-spend-and-borrow odyssey, an odyssey that resulted in choked economic growth, an odyssey that killed jobs. We were quite used to having statistics come forward month after month, year after year, that less and less of a percentage of this province was working. We saw the provincial debt doubled over that period of time. So, not only was it a disastrous road that we were following in those years, we found ourselves leaving a legacy of debt for our children: mortgaging our children's future, mortgaging our grand-children's future. Simply stated, that couldn't go on.

At that point in time, as remarkable as it sounds, one in 10 Ontarians was receiving social assistance, and we had a badly neglected health care system and education system, and the community safety net that once existed involving quality policing and growth simply was nowhere to be found.

On an aside, it's interesting to talk to police officers on the street today about the fact that from their ranks is absent a whole generation of police officers because of a moratorium that was put on hiring because there simply wasn't enough money. I know the police officers in 32 division in Toronto have told me time and time again that they face enormous challenges now because they don't have that middle section of experienced officers who otherwise would have been there; they don't because the money wasn't there to pay for them. The provincial government at the time, our predecessors, simply said—

**Ms Marilyn Churley (Broadview-Greenwood):** On a point of order, Mr Speaker: I believe the member forgot to mention that we're asking for unanimous consent tonight to split the time evenly between the three parties, so I would ask for that now.

**The Deputy Speaker (Mr Bert Johnson):** Is it agreed that the time will be split evenly among the three caucuses? It is agreed.

The Chair recognizes the member for Willowdale.



**Mr Young:** So that's where we were five short years ago.

I may say that it wasn't just the policing in this province that was neglected. It was the health care system; not one new long-term-care bed had been created. Where are we today? Let's talk about what has happened. What has happened by way of economic growth within this province—and I'll come back to the theme that I started with and I'll repeat it on a number of occasions throughout this presentation: Economic growth is necessary. It is essential to maintain and increase the quality of life that we in this province expect and deserve.

Over the last five years we've seen what is in many respects a miraculous or metamorphic turnaround in this province. Ontario's economy is back on track and the indicia of that are numerous. There are many signs that confirm that. First and foremost, let's talk about the fact that we now have come forward and announced that the budget has been balanced, not just for the upcoming year, but because of phenomenal growth that we experienced in this province over particularly the last quarter of last year, we are now in a position to state that for the first time in 50 years, for the first time in half a century, the budget in this province has been balanced for two consecutive years. Most of the people listening tonight in this chamber and beyond through the television network that broadcasts these debates have never experienced that. They've never experienced something that they should have expected and did expect.

What else have we done? We have begun the enormous task of paying down the debt of this province. I'm very proud of that. I feel as though we have turned the corner. How we have done that is really the question that will be on the minds of many. I would invite you to look at what we have done by way of eliminating many of the taxes that plagued growth, that burdened the taxpayers of this province. We've cut personal income taxes significantly. There are other provinces and there are other governments, including the federal government of late, which have begun to move in that direction, and I applaud them for making movements in the right direction. But one needs to question why it has taken them so long to get to this point.

Remember, five years ago when we began this endeavour, our critics inside and outside of this Legislature came forward to say: "It can't be done. You can't reduce taxes and increase revenue." That's what they said. They didn't say it once, they didn't say it twice; they said it over and over again. We proved them wrong, and I'll explain that over the next short while. We have cut taxes. We've cut taxes on numerous occasions, over 100 times, yet we have increased government revenue significantly.

This new budget cuts taxes further in numerous ways, and it also cuts corporate income taxes. It cuts corporate income taxes in a number of different ways, and the end result will be a further stimulation of this economy that will allow us—I come back to the theme I started with—to maintain, to sustain and to strengthen the social safety

net, the social infrastructure that we have come to expect within this province. Health care is perhaps the best example. But before I go on and talk about that example in some detail, let me share with you a quote made by a former Premier of this province: "My immediate priority is growth ... Growth—growth which provides new jobs and new revenues—is the only fiscally responsible way that Ontario can meet the social imperatives of the coming decade."

I agree. While I don't agree with everything the author of that quote said, I do agree with that. That was from Premier Peterson, as he was then. He, in a moment of clarity, undoubtedly understood that it was necessary to grow the economy. It was necessary to ensure that we had the fiscal resources operating within this province, coming into this province in order to afford the "social imperatives," to use his words, that are necessary to continue what we have started here. Growth means more than economic activity. It means more than jobs. What it really means is increased dignity for individuals, and it means increased revenue, revenue for the government because with more people working, more people paying taxes, more revenue is coming into our coffers as a province.

Let's look at the last year. In 1999 this province had a 5.7% rate of economic growth. I want to repeat that because it's worthy of repetition: 5.7% rate of economic growth. To put that in perspective, that is higher than any other province, higher than the United States. In fact, it's higher than any other G7 nation. It's expected that in the year 2000 we will continue to experience exceptional growth within this province's economy. A growth rate of 4.7% is expected.

I should tell you that during the tenure I have had at the Ministry of Finance, the economists who engage in this sort of prognostication have always taken a very conservative approach and have told me in the past they have certainly had reason to believe that the economic growth rate would be greater than they have forecasted, but on each and every occasion they have taken conservative figures and presented conservative figures, and this is no exception. Let me reiterate: Increased economic growth means more jobs. More jobs mean competition for workers, and that translates very clearly into higher-paying jobs for workers, for the people of this province.

To illustrate further, let's talk about the recent past. Let's talk about 1999. The 5.7% economic growth rate is one that I've already referenced, but I haven't talked about the fact that economic and employment growth in particular in this province have also grown at a relatively unprecedented rate. We have seen employment in Ontario grow by 3.6% over this past year. Ontario's unemployment rate, I'm sure you're aware, is currently at 5.5%, the lowest unemployment we have seen in some time in this province.

I want to pause to say that there are numerous factors that contribute to this success because I know the members opposite, when they have their opportunity to

rise and speak, will undoubtedly reference the boom that has occurred in the United States. There's no question about that. That has been a very positive factor and we have benefited from that, much the same as my predecessors across the way in the NDP caucus did when they were in government, much the same as they suffered as a result of what was clearly a recession that had a chilling effect on our economy, but when one considers factors that have led to their demise and the demise of the Ontario economy under their regime and one considers the success that we've been fortunate enough to experience in this province over the last five years, I would invite you to talk about and to consider the economic growth rate of this province, the employment growth rate of this province as compared to other provinces, as compared to the border states.

But it's not just about statistics and figures. It's about a feeling, it's about a confidence, it's about an optimism that now exists in this province. It's important to remember that we are competing in an international market, that international capital in and of itself is very mobile nowadays. Companies can choose to invest in any corner of this planet, and it is within this competitive environment that we must operate. Not to be cognizant of the fact that we are operating within this international global economy, not to acknowledge and respond to the fact that there are pressures upon us that didn't once exist, would be foolhardy.

**1900**

At the local level, let me share an experience I had last Friday when I was in a bank in downtown Toronto, a bank I had never been in before. I had occasion to speak with a woman who was assistant manager in charge of small business at this branch of the bank. We talked about how things were going—she didn't know what I do for a living. She clearly and unequivocally volunteered to me that there is a renewed confidence, a renewed optimism within the small-business community of this province like never before. She is taking in, processing and, one hopes, accepting small-business applications to allow for expansion, for the creation of new businesses and for the creation of new jobs.

It's not just national statistics or international statistics that are important; it's also what's happening locally. One need only drive along the streets of Toronto—and Willowdale, I'm proud to say, is no exception. One need only drive along the streets in the riding I have the privilege of representing to know that the economy is stimulated, to know that we are moving forward and to know that jobs, which were once so scarce, are now becoming plentiful again. One need only look at the windows of businesses and the advertisements in newspapers to know that opportunity is there once again within this province, as it was for many decades.

I had the privilege of being on the standing committee on finance with a number of the members opposite, and we talked—albeit not as long as some of them would have liked—philosophically about how we approach the budget we have tabled and the further cuts to taxes that

we have put forward. We talked about the fact that corporate tax rates, in our respectful opinion, needed to be cut in order to encourage, enhance and continue the growth that has existed in this province. We talked about the success that had been achieved to date and what we anticipated for the future. I will be the first one to say that it's difficult to forecast, flat down to the last tenth of a percent, what level of growth we've had. Fortunately, from our point of view, when we have prognosticated, when we have put forward figures, on almost each and every occasion since we took office, we have done better. We have overachieved as a province.

Let's look at what's going on in some other jurisdictions across the world, because Ontario is not the only jurisdiction that is cutting taxes. Almost every province across this country is engaged in a similar exercise. It's not just the provinces we share this great country with; it's also other countries in this world, countries like France, which is engaged in cutting corporate taxes in an unprecedented manner.

Germany, a country well known for its universal health care system, is engaged in cutting corporate taxes. Why? Because they believe that by cutting those taxes, they will enhance the possibilities, the prospect of getting new business. By doing so, their economy will grow. More people will work, more people will pay taxes and more companies will pay taxes, albeit lower taxes.

Japan has engaged in a similar endeavour. These are countries we are competing with, and to be oblivious to that is a recipe for disaster.

I would be remiss if I didn't also make reference to the experience of Ireland, because it is most impressive and most illustrative. Ireland, which was on the brink of economic disaster a short time ago, has now turned around its fortunes. One of the ways—and I underscore “one of the ways”—they have done so is because they have cut corporate taxes. Their corporate taxes are a good deal lower than those that exist within this province. But they have seen an economic turnaround that is clearly unprecedented.

It's interesting, when one talks about Ireland and compares it to the Canadian experience, that there is a good deal that is analogous. Firstly, it is a country that abuts a rather large neighbour and a powerful economy, being the United Kingdom. We, of course, live next door to the world leader, the United States. One need come forward and acknowledge that the existence of those powerful economies beside us is a factor. For many years Ireland suffered in a financial way, it suffered economically because of the size of its neighbour and the power of its neighbour. They've turned that around. One of the ways they've turned that around, one of the ways they got people working again, one of the ways they renewed confidence and optimism in their economy was by cutting tax rates, including corporate tax rates.

A discussion of international tax rates and what is going on internationally would not be complete if we didn't also reference what was going on in Sweden. Sweden, of course, is a country that we know has a very



impressive health care system, and is there to be responsible for, and is responsible for, the health of the citizens of that country. At present, the corporate tax rate for Sweden is about 28%. At present, before the cuts we have tabled, the corporate tax rate, federal and provincial combined, for this country and this province is about 44.62%—that's before the cuts.

The governments of the countries I've mentioned—be it Germany, France, Japan, Ireland, Sweden—realize, as does the province of Ontario, that economic growth makes possible the sound social programs that are the mark of a civil society that citizens have come to depend upon.

This budget discusses numerous initiatives and announces numerous areas where there are going to be additional dollars for the people of this province. This coming year the province will be spending \$22 billion on health care alone. That is a \$4.4-billion increase since 1995. Approximately 13 months ago, we campaigned—and the people on this side of the floor are the “we” I'm referring to here, the Conservative Party—across this province and undertook to the people of this province that we would spend, by the conclusion of our mandate, about \$22.7 billion annually on health care. We said that, knowing well that the federal Liberal government had cut transfer payments time and time again, and the prospect of having them restored was vague or remote at best. But we said we would make up that difference, as we have done in the past, and we said very clearly that we would spend at least \$22.7 billion by the conclusion of this term. With this budget that Minister Eves came forward and tabled last month, we are already at \$22 billion. Once again, if I may, we have overachieved in that regard.

**1910**

In addition to the annualized spending I have just discussed, let's also talk about the fact that Minister Eves, and subsequently Minister Witmer, have announced numerous initiatives, additional dollars for capital funding. A billion dollars in hospital capital funding was announced in this budget—a billion new dollars. Together with the SuperBuild partners, that brings to \$1.5 billion the total invested to modernize Ontario's hospitals and provide better health care equipment.

On the primary care front, this budget announced that we would be spending \$100 million over the next four years to expand primary care. We also talked about investing \$150 million, starting next year, to provide a new information technology system that will allow for the elaborate primary care network we propose to operate. We will enhance patient care through a further \$110 million for improved medical supervision in home care settings and improved psychiatric services.

When it comes to certain other priority areas, we intend to enhance patient care by the infusion of a further \$110 million for improved medical supervision in various areas. Cancer care, end-stage renal disease and cardiac care have all been targeted for new dollars. I invite the members present and I invite those listening who aren't in the assembly this evening to talk to doctors in these

areas who have acknowledged to me in my discussions with them to date that these are very significant steps forward.

I'm very pleased to be part of a government that feels so strongly about not only the need to spend increased health care dollars but also has the wherewithal, the economic resources to ensure that that money is in place for that purpose.

My time is running out, but I do want to talk about some other initiatives in the health care area, if I may, before I sit down. One of them deals with the telehealth program, an initiative that has been present in some northern and remote areas of this province. It involves and allows for individuals who have health care questions to pick up the phone and speak to a nurse practitioner, as an example, and get some immediate answers. That program is going to be expanded to the GTA, and of course I have the privilege of representing a riding within that region. I'm very pleased that there will be access by my constituents to that service, to the sort of experienced triage nurses and others who will be able to provide health care advice and information to them without requiring them, for example, to trek down to the local hospital in the wee hours of the morning and sit in the emergency room. That's an initiative that I am sure will not only make the system as a whole more efficient but will also undoubtedly relieve stress for individuals and make their lives that much easier.

I also want to make reference to another local issue, if I may, before I take my seat, and that's one that Minister Witmer announced on May 9 within my riding of Willowdale. At that time, Minister Witmer, on behalf of this government, came forward and announced that there will be \$43 million more available to the new children's hospital at the Bloorview MacMillan Centre. Mr Speaker, I say to you there could be no better place for that money to be spent, and I'm very pleased that an extra \$43 million have become available. They're available, let there be no mistake, because we have an economy that can produce revenues that can be spent in that very worthwhile endeavour.

With that, I will sit down. I know some of my friends on this side of the Legislature are looking forward to having an opportunity of speaking, and I'll look forward to hearing the further debate that occurs following the rotation we're going to engage in at this juncture.

**Mr Gerry Phillips (Scarborough-Agincourt):** I will be sharing my time with the members for St Catharines, Kingston and the Islands and St Paul's.

This bill does very clearly spell out the Harris vision for Ontario, and in many respects I think it deserves a lot more public debate than we have had a chance to have on it. To the member who just spoke, this will come as no surprise: I felt it unfortunate that the Minister of Finance would not come to a legislative committee to talk about the policy issues behind this bill. I happen to think it's the most sweeping tax legislation I have seen here in the Legislature, and it will fundamentally change Ontario.

For the first time I can remember, the tax comparisons are not versus other provinces; they're versus Illinois and Michigan and Pennsylvania and New York state. What this bill does is say we are now committed to reducing our corporate income taxes by 40%. The provincial government, at the same time, is urging the federal government to do exactly the same thing. Premier Harris is saying that we now are in a position where we must see our corporate taxes lower than our neighbouring states and we are urging the federal government to cut its corporate tax rate by 40%.

The second big part of the bill is to cut personal income taxes by 20% and, again, I would say that Premier Harris's one communication to the federal government before the budget was to urge the federal government to cut their personal income taxes by 20%. We now have a policy direction in the province of Ontario that says corporate taxes have got to be lower than our neighbouring states. As a matter of fact, in the budget, the goal that the Harris government has set is to have corporate taxes in Ontario dramatically lower than in neighbouring states. In fact it says here, "If the federal government matches the initiative," which Ontario is urging them to do, "Ontario's combined federal-provincial tax rate would be among the lowest in the world and would be roughly 20 percentage points below our neighbouring US states."

So for Ontario, we now are embarked on a policy of corporate taxes substantially lower than our neighbouring states.

#### *Interjection.*

**Mr Phillips:** My colleague says, "What's wrong with that?" I'll get to that in a moment.

The second thing that we are doing now is cutting personal income taxes. Remember this: 75% of the federal government's tax revenue comes from those two things, personal income tax and corporate taxes, but Harris is saying, "Cut them." In the province of Ontario, about 55% of our revenue comes from those two things.

On the one hand, we saw Premier Harris saying on the weekend that public health costs could double over the next 10 years. This is the headline on the Provincial Report: "Health Costs May Double Over the Next Ten Years." The provinces believe that the amount of money that has to be spent on public health care could double over the next 10 years. At the same time as Premier Harris is saying that, he's saying, "We want to cut corporate taxes by 40% and personal income taxes by 20%."

Well, there's no magic. The funds that we require for health care come collectively from us. We have chosen in this country to fund our health care system in a fundamentally different way than the United States, and as I say, there's no magic. We have to fund our health care system, the way we want our health care system, out of public funds, yet at the same time we're now on a course where corporate taxes are going to be substantially lower than in neighbouring states and personal income taxes are going to be reduced substantially.

I carry around with me this document, which is the document that Ontario uses to persuade businesses to locate in Ontario. What does it say? It says that US manufacturers pay, on average, \$3,100 per employee for the kind of health care coverage provided by Canada's publicly-supported system, whereas Ontario employers pay about \$540. In other words, if your business is in Ontario, the health costs that you are required to pay for your employees is roughly \$2,500 per employee lower in Ontario than in neighbouring states. For the auto sector alone that's about a \$400-million cost advantage. But we now have embarked on a policy that Harris has said we now must have corporate taxes lower than neighbouring states and we must have personal income taxes, I gather, at the US rates.

#### **1920**

The question for us in Ontario is, how will we fund our health care system in the future? I happened to go through the campaign document that the Conservatives ran on in the last campaign. There was never a mention in there about cutting corporate taxes at all, let alone 40%. There was talk about cutting personal income taxes, but never a mention about cutting corporate taxes by 40%.

I say to all of us in Ontario, yes, we now are in an era where we must compete globally. As a matter of fact, while the government wants to take credit for the economy, I think the government's own budget points out what has been primarily responsible for Ontario's growth, and it is exports. That's what has driven the Ontario economy. Ten years ago exports represented roughly 28% or 29% of Ontario's gross domestic product. Today it's 55%. We are now the most export-oriented jurisdiction in the industrial world, according to the government. Of course, over 90% of that goes to the United States.

We now are seeing for the first time how that will drive policy. Make no mistake about it: We now are in a race for corporate tax reductions. Believe me, Michigan, New York state and Pennsylvania aren't going to stand still. As Ontario says, "Locate here because we're going to have lower corporate taxes than them," they'll reduce theirs. We're in a race to the bottom on corporate taxes.

The issue for us that the government has refused to answer is: How do we fund health care, education and, dare I say, the environment, if in fact we're going to have to have corporate taxes substantially lower than our neighbouring jurisdictions? The Liberal caucus said to the government, "You want us to approve a tax bill"—portions of which, by the way, are for five years; some aspects in this tax bill go on for five years for tax cuts. If you want to change them, you require a referendum. They wanted us to commit to a five-year tax cut program but were not able to provide one piece of evidence that Ontario is going to have the resources to provide for our health care system, our education system and our environmental system.

I want to stress the importance that we in the Liberal caucus place on those things. I found it instructive to read



this. I carry this book around with me because it is the document that Ontario uses to attract business. What does it say here? It says "Ontario is the heart of Canada." Of course, I agree on that. "Ontario means beautiful, sparkling, shining water." That's what Ontario means. I might say how ironic that statement now is in light of the horrible problems we've had with water, but that's what Ontario means. It goes on to say, "Ontario is one of North America's most peaceful and secure communities, and our remarkable health care and education systems are publicly financed and open to everyone."

Again I go back to the point I made earlier and that is, tonight—this is it. Tonight at 9 o'clock, all debate about this is gone. This now becomes law. Yet we are saying we'll cut corporate taxes by 40%. We are cutting capital gains by a third. It used to be in this province that roughly 75% of capital gains was put on your taxable income. It's going to be cut by a third. Believe me, this is a \$1.2-billion terrific tax cut, in many respects, for the wealthiest in this province. Make no mistake: Companies are going to structure their compensation programs so that their corporate executives will be paid in capital gains instead of income, because it will be taxed at half the rate. This is a bonanza of the first order for the best off in our province. It's a \$1.2-billion tax cut and it will benefit, without question, the best off in our province.

The Harris government has said that there are more tax cuts coming at the upper-income level, and yet they have been unable to provide one piece of evidence to us on how we are going to fund our health care system. They are able to prepare 10-year plans on what it's going to cost and they're able to issue a report that says health care costs are going to be doubled. That can be done, but they are unable to provide one single piece of evidence to us on how we are going to fund our health care system and our education system.

I go on in this document, because it illustrates why companies should locate in Ontario and therefore, in my opinion, it illustrates the things we should be investing in. It says here: "Ontario workers are well-educated and well-trained. Sixty per cent of the 1998 workforce have attained university or college; 20% graduated from university and 30% from our colleges." That's because we've invested in these things. That's because we have chosen to fund our health care system, our education system and our environment adequately.

I've already mentioned that our corporations get a cost advantage in the health care system of \$2,500 per employee because we've said we'll all collectively insure ourselves, we'll all collectively pay taxes so that we have a basic health care system that provides for every single person in this province.

I also often point out to people—this is the quality-of-life page and it makes a big thing about the quality of life here in Ontario. It points out that in the United Nations Human Development Index, Ontario, Canada, ranks number 1. What's taken into consideration in that? It is life expectancy at birth and it's adult literacy and educational enrolment. But we are embarking now on a tax

program that says we will have a 40% cut in corporate taxes, we will cut our capital gains taxes from 75% to 50%, without any assurance that we can fund our health care system and our education system.

That's why we in our caucus have said that—if you believe, which we do—those are the things that set Ontario apart. Those are the reasons our economy has grown. Those are the reasons we have been successful in competing with the US. Those are the reasons Ontario now manufactures more cars and trucks than Michigan. We have been enormously successful, and I gather there will be announcements soon about further expansion in Ontario, because our auto sector has at least a \$400-million cost advantage in health care. But we are choosing to go down a route without knowing whether we are going to be able to fund our health care system and our education system.

This budget announces about \$9 billion worth of tax cuts. The corporate sector alone has a tax cut here of \$4 billion. Listen, if that's what in a debate we all conclude, that no longer is any corporation prepared to be, on a long-term basis, in Ontario without corporate tax rates being lower than the US, let's collectively agree on how we're going to raise the money for our health care, our education, our environment and other things. But we're making a huge mistake in committing to this route without understanding exactly where it's going to lead us.

That's why we said to the government when this bill went to legislative committee, "Will you give us some idea of how over the next five years with these tax cuts we are going to have the revenue coming in to pay for our health care system?" I repeat: The government is able to do five-year and 10-year projections on spending, and I know the government does revenue projections but is unwilling to share that with us. We are now heading down that road. The debate on this tax bill will be over at 9 o'clock tonight. There will be a vote, perhaps tomorrow, and it will become law.

#### 1930

I also said that on the personal income tax side, again, if we've now concluded that the brain drain is such that we have to have corporate taxes at or lower than the US, recognizing that the federal government—and this is where Premier Harris has said, "Federal government, you give us the money for health care." That's out of one side of his mouth. Out of the other side of his mouth he's saying, "Federal government, please cut corporate taxes by 40% and cut personal income taxes by 20%." Well, there's only one taxpayer. There isn't a magical pot of money in Ottawa and a magical pot of money here in Ontario; it's all the same taxpayer. If Premier Harris is saying his priority is to cut corporate taxes by 40% and personal income tax by 20%, we say we owe it to ourselves and to Ontario to have an idea of how we're going to raise the money to fund our health care system.

The area I think the public should be fundamentally concerned about in the bill we're dealing with tonight is that we now appear to be heading into an era when

businesses will only locate in jurisdictions where they are offered the lowest tax rate. If that is the case, where will we find the money? Premier Harris has already said it won't be in personal income tax. As a matter of fact, he is going to provide an enormous advantage on the personal income tax side by cutting capital gains. So where will it be? Well, if you look at the sources of revenue for the province, basically after those two it's consumption taxes. It's retail sales, it's gas taxes, it's consumption taxes. That's the route; that's the concern. As I say, it isn't as if there was ever a discussion during the campaign about corporate taxes being 40% lower.

Another part of the bill is the \$1-billion tax rebate. I would say that I think the tragedy at Walkerton was for most people a tangible demonstration of a price we are paying for the revolution. I think the \$1-billion tax refund, an idea that came out of Governor Jesse Ventura and Governor Ridge, will be seen for what it is, which is a rather cynical ploy to try to restore the Harris public support. But when people get their \$200 and at the same time realize that for the last five years—in spite of the fact that the Provincial Auditor said in his 1996 annual report, and I remember it well, "Ontario, you've got a problem with groundwater," and the government said, "We're going to do something about it." In the 1998 report, he went back and said to the province: "Where is what you promised would be done? Where is it?" It still hadn't been done, and in my opinion we saw the tragic consequences of that. So when the \$200 cheque comes, I think people will look at it and say, "Is that what I get for the price we paid in one community in Ontario?"

I happen to view this bill as hugely important, a significant step down the road to the Harris approach, which is the Americanization of our social system. That's not what we in the Liberal caucus want, that's not, by the way, what the government itself sells when it's out trying to get business to Ontario, and I don't think that's what Ontario wants.

**The Deputy Speaker:** I may have said earlier that this was second reading of this bill. In fact it's third reading. I want to correct that. Further debate?

**Mr Doug Galt (Northumberland):** I appreciate the chance to speak on third reading of this bill.

I think this really goes back to 1994, when we came out with the Common Sense Revolution and talked about reducing taxes. We also talked about reducing spending and eliminating the debt.

There's a basic difference in philosophy between the members opposite and ourselves and the government in Ottawa on what cuts to taxes do. These people, the Liberals in Ottawa and the Liberals across the way here, look at cutting taxes like you're doing someone a big favour and giving them a great big break. We see it as stimulating the economy. If there's anything politically positive to be gained, it's down the road when the economy is booming and people are feeling really good about it. Cutting taxes, cutting spending and stimulating the economy and getting things going makes it more

sustainable. This is what we see going on in our economy in Ontario at this time.

I think it's interesting and really quite humorous to observe the Prime Minister and Paul Martin taking credit for having balanced their budget. They know right well that if they continued—and actually they did; they increased taxes. But if we hadn't cut taxes and stimulated the economy, they'd still be wallowing in debt and wallowing in a deficit; I don't think there's any question.

I have challenged provincial Liberals, federal Liberals and Liberals in my riding: Give me one, single fiscal policy that they brought in, other than cuts to the provinces, one fiscal policy they brought in that helped balance the budget. Just name me one. I'm sure the member from Kingston and the Islands might dream up something when he gets up to speak later on.

I have yet, in all my challenges, to have a Liberal come forth with a single fiscal policy that the federal Liberals brought in that helped balance their budget, not one. The only one that came in was what the province of Ontario did to help bring that along. I'm still waiting. I'm sure they have some ideas, and I'm sure that some day something just might happen to come out.

It was interesting to listen to my friend from Scarborough-Agincourt as he was arguing about the problems of the US cutting their taxes as well, and what that would mean to Ontario and what we would have to do here in Canada. They recognize what's going on. You would think that taxing was a right given to a Liberal, and they tax and tax. Yes, maybe the American states will reduce some of their corporate taxes. They may see what's going on.

But I can tell you that it was quite a thrill to be in my riding last Tuesday afternoon when Great Dane, the trailer company, announced moving a plant into the part of Quinte West that's the Trenton ward, that used to be the city of Trenton. It's going to employ some 500 people. Why? They're looking at everything from the quality of our work staff to our work ethic and the quality of life here in Ontario, and of course they're looking at the dollar, which is better, and the tax structure and our health care system. This is all part of the package. We have to remember that, and that's what we're doing when we attract business to this province.

The member from Scarborough-Agincourt was criticizing—I couldn't believe it—the things that we're out there advertising for this great province. I would think he would want to get on the bandwagon and would be wanting to help with this. But it's consistent with their party and some of the stands they take. They talk about Walkerton, and you'd think every water system in the country was at risk, when in fact 99 per cent plus of the waterworks we have in Ontario are doing a great job. Of course, fearmongering undermines the confidence of people in this province, and for what reason? Why would they do it? Just to gain some political brownie points. As a politician, I'm embarrassed on their behalf that they would do that kind of thing.



The other thing the member from Scarborough-Agincourt was commenting on was health care funding, and criticizing our government for expecting a bit of recovery from the federal government—we're only saying to the 1994-95 level. We're not saying, "Go back to 1970, when they were committed to 50% funding," which they never did meet in the first place. I think they got as far as 40% or 35%, somewhere in that neighbourhood, and even their health critics are saying it should be at least 25%. What are they at now, 11%? It got down to a low of 8% at one time and it snuck back up. It might even get up to 13% if their promises—and we know what a Liberal promise amounts to. But that is only one-time funding up to that level; it's not permanent funding. That's certainly not realistic for the stable health care program that we have here.

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Then the member was saying, "How can they pay for that if they're going to cut corporate taxes and they're going to cut income taxes?" which we're recommending the federal Liberals do. I don't think they really understand that when you cut those taxes, you stimulate the economy. I think it's great in Ontario to have companies come and say: "We're looking for people to hire. We need people to work." This is absolutely tremendous. What a turnaround from what it was some six, seven years ago when people were standing on the street just pleading for an opportunity to work.

In the next five minutes or so I'd just like to spend a few minutes talking about some of the good news. I know this is going to be upsetting to members like the member for Kingston and the Islands and some of the Liberals opposite, but there is a lot of good news to talk about in the province of Ontario and I'd just like to share a bit of that with you.

Our job growth has continued—

**Mr John Gerretsen (Kingston and the Islands):** On a point of order, Speaker: I just want to correct the last member in what he stated about my presence in the House tonight. I am always in favour of hearing good news. However—

**The Deputy Speaker:** That is not a point of order. The member for Northumberland.

**Mr Galt:** I am pleased the member for Kingston and the Islands does enjoy good news.

Anyway, getting back, for the 11th straight month jobs have increased, some 4,100 jobs this past month. That's the 11th straight month, of course, and that follows a month of some 2,300 net jobs in April. The Canadian economy continued to expand in the first quarter of 2000, the real GDP expanding by 4.9% at an annualized pace. Growth was well-balanced, propelled by a strong domestic economy, with continued growth into exports. In April, department store sales rose some 3%. This is higher compared to the same month in 1999. Over the first four months of 2000, sales advanced by 3.6% from last year. This is the good news, the things that are happening in the province of Ontario. Also, the help wanted index went up by 0.5% in the month of May. That

followed a 1.1% decline in the previous month. However, over the first five months of 1999, the index is up some 12.9% compared to the same period just a year ago.

The other good news—everybody, whether you're in opposition or not, should be celebrating the fact that we've got over half a million people off welfare; just in the month of May, 9,400 people off welfare. Imagine. When did it go up and skyrocket? It went up in the good times of the late 1980s when the Peterson government was here in the province of Ontario. That was when the welfare rates absolutely skyrocketed. Why? Because they thought it was important to pay people to stay at home.

So many things are happening. Residential construction advanced 2.4%, lifted by a strong new and resale market. Business investment was up 2.7%, driven by increased engineering construction and computer equipment purchases. Real consumer spending grew by 0.8%, coinciding with a healthy rise in after-tax income. This good news just keeps going on.

Consumer spending recorded another healthy advance of 4.1%, supported by a 4.5% rise in after-tax income, while consumer confidence reached an 11-year high. This is what is going on in the province of Ontario.

There are many things here to share with you, but I do want to share some of my time with the member from that great riding of Peterborough. To save him a bit of time at the end, we're going to sit down, but I just want to emphasize that we have a tremendous amount of good news in Ontario particularly because of the tax cuts we have made and taken advantage of, and it's time that the members in the opposition learned what tax cuts really can do for people in the province.

**Mr Gerretsen:** Let me first of all say that the members on this side of the House too like the fact that an economic recovery is going on in this province and that more people are working right now, no doubt about it. I think we have to give credit where credit is due, so let's thank Bill Clinton, let's thank Alan Greenspan, let's thank Paul Martin, because they're the people who really caused the economic upturn that we currently have. Just for the record, let us also be clear about the fact that the government's own budget document clearly indicates the last balanced budget we had in this province was in 1989, which was put together by a Liberal government, under David Peterson at the time.

We all like tax cuts. Who wouldn't like a tax cut? The real question is, can we afford them if we want to keep the quality of life we have in this province, that the United Nations applauds this country and this province for, year after year, for being at the top of the list? What we really have to ask ourselves is, what gives us that quality of life? You and I know that good public services, a good publicly funded and publicly administered health care plan and an education plan, are what are required. They give us a good quality of life. They are the basic, essential ingredients for that quality of life.

Let's take a look at the facts, again, from the government's own budget document. Let's take a look to see how much the debt of the province was in 1995. It was

\$90 billion. What is it currently? It's \$114 billion, an increase of \$25 billion. We have been saying for years that if the government had waited with their tax cuts until they actually had a balanced budget, we wouldn't have had to borrow the \$10 billion more that the people of Ontario had to borrow to be in the position where we are currently. The interest on that public debt is some \$8.9 billion annually, more by about \$1.4 billion than we spend on all the social services in this province.

The other issue I very quickly want to mention, and it's something that is obviously on everybody's mind these days, is what is happening to some of the other government departments. What is happening to the Ministry of the Environment? I know that water is on everybody's mind, the quality of the drinking water that people have all across Ontario. Whether you live in a small hamlet, in rural Ontario or in urban Ontario, everybody is asking themselves, "Is the water that is coming out of my tap tonight safe to drink?" I'm not just speaking of Walkerton. We've all heard reports over the past three or four weeks about the water condition of many of the other smaller plants throughout Ontario.

A public inquiry has now been set up. We know it will take maybe two or three years before the inquiry is totally finished and we have recommendations as to how to improve the situation or what caused the situation in Walkerton to happen. But we also have to live in the meantime, and the question I have is why, in this booming economy we've heard of from members opposite us, from the government members, was it necessary to decrease the budget of the Ministry of the Environment even more than it has already been decreased over the last four years? Even in the current budget, the Ministry of the Environment is being cut from \$174 million to \$158 million. They are the people who ultimately give us, the general public, the assurances that the public utilities we have out there are sufficient for our needs, are of such high quality that we can have complete confidence in our water system.

#### 1950

There are many other issues as well. We know the government's own budget had an excess, a surplus last year of some \$5 billion. Five billion dollars more in taxes was collected in the past year than the government itself had anticipated. What could the government have done with that? It could have, and it should have, gone back into the social housing scene. I have said this on many public occasions, not only in this House but elsewhere as well, that it is simply unacceptable to the people who need good housing in this province not to have any social housing programs, not to have any new social housing starts since 1995. Both the federal government and the provincial government have completely gone out of the housing business, as it were. It is simply not adequate to say, "Oh, well, the private sector will go back into it." They simply won't. The cost of housing, particularly when you add the cost of the development process that goes along with it and the cost of the land itself, simply

will not allow affordable housing to be built without some government support.

We can all argue as to whether or not that support should go to the developers, to the builders, to the people who ultimately own the units, to the non-profit corporations etc, but the point is this: No social housing has been created in the last five years. The waiting lists of our housing corporations, the municipal non-profits and Ontario Housing's own stock, the various housing authorities, have rapidly increased. So yes, times are good for an awful lot of people in Ontario, but I also think an awful lot of people have been totally forgotten in the equation. I believe those are the people, in the kind of economy we've been having, with the kind of surpluses the government has run, who should be thought about as well, because we all know that the difference between the haves and have-nots in this province has been increasing at a rapid rate.

How about some operating dollars for our colleges and universities? I noted within the last two or three months there have been various announcements made by the Minister of Colleges and Universities for capital additions to some of our colleges and universities, but we also know there has been absolutely no additional funding set aside on the operating side of things. We all know that within two years the number of applicants going into our universities and colleges will, for a short period of time as the double-cohort moves through the system, almost double the demand for our university and college space, yet there has been absolutely nothing done to make sure the teachers and the support staff will be in place in order to look after double the numbers that are anticipated in those years. Every college and university administrator has talked about that, has urged the government to come up with something and, so far, absolutely nothing has happened in that regard.

How about putting in some extra dollars for mental health? For community mental health services, we currently spend some \$430 million out of about \$20 billion that's being spent in the health care budget of this province. Some people, when they listen to these figures, may say, "Well, that's an awful lot of money." But we all know what's going to happen when Brian's Law gets implemented. As you know, Speaker, Brian's Law is about treating more people with mental health problems in the community through community treatment orders or agreements. The biggest concern that we have on this side of the House is that there will be enough community resources available to make sure that those people who will no longer be in the institutions will not be forgotten once they've hit the streets and once they are so-called reintegrated into our society. This has happened before in this province when, in the past, vast numbers of people have also been in effect kicked out of our psychiatric hospitals on to the streets, and there weren't any community services to look after their needs and thereby posing more of a danger to themselves and to the rest of society. So the big concern we have about Brian's Law, about which there is a fair degree of unanimity in this



House that it should be passed, is, once the community treatment orders and agreements are in place, that there are going to be enough dollars available, that there will actually be support resources available in our communities to make sure these people are looked after properly, not only for their own safety but also for the safety of the rest of society.

So are times good? Yes, for a vast number of people they are better. But it's always been our contention on this side of the House that too many people have fallen through the cracks. It would seem to me that once a government gets elected, it shouldn't govern only for those people it feels are supporting it, but it should govern for all the people of Ontario. That is something that this government has totally forgotten.

So I say to the people of Ontario, yes, in this budget there are a tremendous number of benefits. If you play the stock market, and I believe something like \$645 million will in effect be given to speculators because they will no longer be taxed on that, this is a good budget for you. If you are involved in various endeavours that have large capital gains, this is a good budget for you. On the other hand, if you are an individual who may have been diagnosed with cancer and need treatment to be started as quickly as possible—and we know that right now only about one in three people who are diagnosed with cancer start treatment within the required period of time—then this is not such a good budget for you. If you are a student going to university or college, this may not be such a good budget for you because it doesn't do anything for you as far as lowering tuition costs and fees are concerned.

So this is a good budget for some people, but certainly for the vast majority of people who need support from government, who need help from government from time to time, this is not a good budget.

**Ms Churley:** I have 55 minutes here. I have a lot to say as well. I spoke fairly recently—

*Interjections.*

**Ms Churley:** There's the smugness coming out already. The Tories are saying bye-bye because Marilyn Churley is going to be speaking about the environment. That's OK. There are other people listening; you should start now as well.

We just had second reading debate on this a little while ago, and I talked then about the cuts and the impact on the environment. You know, what amazes me is listening to members of the government today. After this tragedy in Walkerton and all of the evidence that has come out over the last two weeks—in fact, not new evidence but stuff that I and others have been saying for a number of years, warning the government that the cuts and the deregulation and the downloading within the Ministry of the Environment were going to have drastic, profound, negative effects—I find it really amazing; I don't know what planet these members from the Tory caucus are on sometimes. In the midst of what we've been through over the past couple of weeks in this House and in Walkerton and throughout the province, indeed the

country, this smugness that I see when the Tory members get up and take all of the credit for everything they perceive as good in this province over the past five years, but refuse to ever take any responsibility for some of the negative things that are happening. You can't have it both ways. Well, I guess you can. That's what you're trying to do.

But I would think, given what we've been talking about here over the last two weeks, that people from the government side would be just a tiny, just a smidgen more humble, just give out a little bit of comfort to people that they actually are taking what happened in Walkerton seriously and are willing to look at the impact of their budget cuts to the Ministry of the Environment, to even admit that maybe there's a responsibility there, even with all the evidence. But no, we get government members standing up with their finely tuned messaging, saying the same thing over and over again, that without them, we'd all be going to hell in a handbasket and they saved the entire world because they—

*Interjection.*

**2000**

**Ms Churley:** Listen to it already. Listen, there she goes, the Minister of Culture, who hasn't brought in the Ontarians with Disabilities Act yet. We're watching disabled people, and we've brought it up time and time again in this House. We brought in employment equity, and this government took it away and promised to bring in an Ontarians with Disabilities Act, and you still have not done it, so I don't want to hear any nonsense from that minister—people on ODSP, the program this government brought in that we supported with the proviso that they wouldn't use it as an excuse to cut off sick people, people with disabilities, which is exactly what is happening. People with mental health problems are systematically being cut off the program. We see it time and time and time again. If I were the minister—

**Hon Janet Ecker (Minister of Education):** Why didn't you do it?

**Ms Churley:** Now the Minister of Education is starting up. I wonder if we want to go there tonight. Let's remember what happened when this government took over. The then Minister of Education, who didn't last long—we mustn't forget the history here—because he's the one where it became public that he was going to create a crisis so they could find a way to cut Ministry of Education funding to our school boards right across the province. There has been just an attack on education and teachers and our kids in this province from day one. That's why today we're talking about balancing the budget. Let's talk about on whose back we're balancing this budget.

I was struck by a letter I saw in the Toronto Star, among many. I can talk about letters I saw in the Toronto Sun about the Walkerton thing, and in the Globe and Mail and, God forbid, even in the Post, that are expressing concern about the cuts to the Ministry of the Environment. I responded to that letter; I was struck by this particular letter. It was from Mr Jim Miller, May 28,

who was expressing his surprise at the outrage that so many Ontarians are feeling about Mike Harris's new \$200 tax rebate. In his letter he states that the government—and I've heard the government say this; he repeats it—having spent all it planned to spend on health care, education, debt repayment etc simply had money left over.

But I've got to tell you, in the very same edition of that Toronto Star, the former Ontario Environmental Commissioner, Eva Ligeti, reminded us once again that the Ontario Ministry of the Environment staff assigned to water and drinking water dropped by 42%. Staff assigned to groundwater and hydrogeology dropped by 53%. In the same edition of the Toronto Star there was that letter talking about how the government spent all the money it had planned to spend, "So we're going to give it back." In the meantime, there's a story talking about how much money over the last five years has been cut out, and that's just in the water area.

I had just returned recently from Walkerton when I read that letter. What it reminded me of when I saw the letter was how successful to date the government has been in pulling the wool over people's eyes while it has cut, downloaded, privatized, deregulated so many of our essential services. It has been brought out here, and I would advise the government to listen, to admit that perhaps there's a lesson to be learned here, that this is just the tip of the iceberg.

We have seen more homelessness, year after year, since this government came to power. We see more children using food banks, we see more people with mental illnesses and disabilities using food banks and more seniors using food banks. We see more people, more children living in poverty, and on and on. There's a virtual war going on in this province against poor people, and it's all swept under the carpet. The Premier goes down to the SkyDome and talks about the thousands of people who are off welfare because of his policies. There are people suffering, and I see them in my role—one of the hats I wear—as the critic for community and social services and for disabled people and for children and youth. I see the underbelly. I see the other side of it that they don't talk about over there. We get ministers and backbenchers standing up and talking about, "I was in this bank today and they're doing all these great things." That's fine. They should be out there doing things to help small business. We never hear them talk about the downside to their cuts.

What that letter meant to me, and I believe what it means to most people in our society, and I would say some Tories as well, is that we have to start the debate again about what our tax dollars are for and what role government plays in our lives. This government really pushed the limit on this when they ran in 1995 on: "Government is bad. We have to get government out of your face. We're not the government. We're here to fix government." They fixed government, all right. The debate isn't over. It's time now. There is nothing good about what happened in Walkerton, absolutely nothing

good. All we can do is try to use it as an opportunity to start that debate again about the value of our tax dollars. We're not talking about wasting tax dollars here; we're talking about the essential services that only government can provide that sometimes can mean the difference between life and death.

I asked a question to the Premier today, as more and more evidence comes to our knowledge, as we get more information—in brown envelopes in some cases, which is where I got this. Civil servants—

**Hon Mrs Ecker:** Now that's a good source: a plain brown envelope.

**Ms Churley:** They're real documents, Minister of Education. They are written by—you see, Mr Speaker, the smugness; absolute refusal to listen to what's going on here. People died in Walkerton. We have all kinds of evidence that the government's downloading and cuts and deregulation have had an effect—

**Hon Mrs Ecker:** So I guess we don't need an inquiry, eh, Marilyn? You've got all the answers.

**The Acting Speaker (Mr Michael A. Brown):** The Minister of Education.

**Ms Churley:** —a direct cause here, and all they do is yell and scream. They never listen.

Let me tell you about this document for your information, Mr Speaker. It's a document, see? It's not a prop. This is what I'm reading from. It's from the Ministry of Environment and Energy dated May 22, 1996. It says, "To all staff, operations division." Do you know what the operations division is? The operations division is the people who conduct the front-line services. That's what the operations division is. It's from Sheila N. Willis, assistant deputy minister of the operations division, "re divisional changes." What the document is all about, and this was in 1996, is the two phases of the savings plan. The ministry "will eliminate 752 positions, 279 of them in our division." That means front-line services. Yet, when the Premier was confronted with this today, he just went into the mantra about how "We came to government and there was this big deficit and we had to get our books in order," blah, blah. He didn't deal with the reality that there was a warning, time and time again, not just from outside the ministry from environmental groups, the Environmental Commissioner, the auditor, but from within the government itself. Adam Vaughan, a TV reporter, revealed a similar document a few days ago, that the government had been warned that there were going to be problems if they didn't do something about the cuts.

It says right here in this document, "These measures will have an obvious impact on our work plan," and, "The next few months we'll be working on adjusting our priorities and compliance strategies to harmonize with the ministry's core business functions," which means cut, cut, cut. That's what this document is all about.

Since the government came to power in 1995, the government ordered the Ministry of Environment and Energy and Ministry of Natural Resources to cut their budgets more than twice the rate of the 15% ordered for



the other ministries. And now—get this, Mr Speaker—when the government was actually increasing its budget from \$59.7 billion in 1999 to \$61.1 billion in 2000 and found \$8 billion or more in more tax giveaways, which once again mainly benefit the rich and corporations, it again reduced the Ministry of the Environment budget by about another \$16 million.

#### 2010

From 1995 to 1997, the budget for the Ministry of the Environment branch that focuses on programs and standards connected to water and air quality was cut by an unbelievable 65.5%. Make no mistake about it: These cuts and deregulation and downloading and amalgamations led to the complete breakdown in the system and the conditions that led to Walkerton. The MOE operating budget was cut by 42.4%, and more than 900 Ministry of the Environment abatement and enforcement staff were cut. Fines and prosecutions dropped by about 67%, from an average of \$2.6 million down to about \$863,000 in 1998.

On top of all this, the government ended the drinking water surveillance program in 1996. This was a program that reported on drinking water in Ontario, a very important program that was cut. There were directives given to the ministry—we're talking directly about water here. The DWSP—that's the drinking water surveillance program—steering committee, consisting of representatives from the Ministry of Health and the MOE's laboratory services branch, standards development branch, water policy branch and operations division—these are the recommendations. Because they had to cut, this is what they came up with, and this is just a small piece of it. They decided to cut down on their sampling for microbiological parameters. They were discontinued as of June 1996. I believe that's looking for E coli. It showed that the commonly used agricultural pesticides are rarely detected—it says "rarely detected"—in the source waters in northern Ontario. As a result, they stopped testing the frequency of pesticide sampling of raw water sources in non-agricultural rivers and watersheds. That's been reduced. Testing for mercury and cyanide: Because they haven't detected it in drinking water, they decided that they were going to discontinue that, and that goes on and on. Those are the areas that have been cut, directly related to drinking water.

When I asked the Premier today, and on many other occasions, about his direct link to what happened in Walkerton, at first, as everybody here knows, it was complete denial and blame. On a daily basis somebody new was found to blame—everybody except himself and his own government. Today again the Premier was unwilling to even admit that perhaps the cuts had something to do with what happened in Walkerton.

What is scaring me about all this is that we now have a public inquiry. It could take years for the results of that inquiry and the recommendations from that to come to the light of day. Even though my leader, Howard Hampton, has asked repeatedly for an interim report so that some of these immediate, urgent questions are dealt with

quickly, there's no commitment from the government to do that. We have an urgent situation here. We don't need to wait, nor should we wait, with all the compelling evidence now before us that the cuts and the downloading have had a direct impact on our drinking water in Ontario. We shouldn't be waiting. The government should commit immediately to putting resources back into the Ministry of the Environment.

The Premier said today—I think he still said; I have to get Hansard for today—that nothing had changed, that the delivery of service was still the same. He continues to say that when all the evidence is that it isn't.

For a couple of weeks now, New Democrats have been asking the government repeatedly to release the most recent water quality test results for all municipal drinking water systems, to tell the public which water treatment plants have outstanding orders against them from the Ministry of the Environment and to release the most recent audit reports on the status of all Ontario water treatment plants, and that if those audits have not been done, they must be done immediately. We've asked the government to reopen the four closed labs and put Ontario back in the water-testing business, to increase the minimum number of tests required and make financial support available to the municipalities, and to revoke the decision to end the water protection fund. These are the dollars for water and sewer capital projects which are scheduled to end at the end of this fiscal year. It's ludicrous. We now know from their own records from a few years ago—the government's records are behind—that they know there are a number of plants not meeting standards across Ontario. They know that now, and yet they still plan to phase out—to end, not phase out. They brag about how they accelerated it. It was going to be over three years, and they decided to do it in two years. That means the program is supposed to disappear a year from now, and they still haven't committed to bringing that program back.

There is more and more evidence coming forward that, particularly in small municipalities across the province, there are problems with water and sewage. There's a small town that perhaps a lot of people hadn't heard of until today. It's called Rocklyn. It's southwest of Owen Sound. Residents have had high levels of E coli contamination in 13 wells. The ministry has known about this since February. But the ministry spokesperson was quite clear: They didn't have the staff to investigate. Now they say they don't have the staff to investigate until the Walkerton crisis is dealt with. Believe me, I'm not saying for a moment that we should withdraw people from Walkerton, because they're urgently needed there. We have repeatedly asked the government that if there are not enough people to do the job, it's my understanding—I was told by the Minister of the Environment in Ottawa that they were willing to send experts and are still willing to do that, and the Ontario government turned them down. For heaven's sake, if we can bring in the army to shovel snow in Toronto, surely we can bring in enough experts to help deal with the crisis in Walkerton so

people can turn their taps on again. But we have to hire if we don't have enough people to do the job.

For heaven's sake, how could this happen? How could the Ministry of the Environment know since February that E coli was showing up in 13 wells and do nothing about it? When we phoned today and asked the spokesperson in the Ministry of the Environment, they said they basically haven't had time to do it yet. The best they could do was promise to investigate in the spring. Spring has come, and it still hasn't been done. The explanation from the Ministry of the Environment today was that it would be at the earliest convenience when staff had time to do that. I assume they meant that, having known this from February, the earliest they would be able to do it would be this spring, and yet today the government still denies that the cuts had anything to do with this.

The Minister of the Environment, when scrummed outside here, was asked by the media, sometimes politely and other times not so politely—basically, the leader of the official opposition today asked the question that's been asked again and again over the last two weeks, and that the media asked the minister repeatedly today. The environment critic from the Liberal Party, the former Minister of the Environment, was there with me watching this, and the minister absolutely refused to say when he would release the results of the water tests across the province. I believe he's not releasing them because the tests are not up to date and they don't know. Everything is in such disarray that they don't have the data and it would be embarrassing to put out what they do have. I also believe—and their own numbers so far to date, the latest we have, show it—they also know there are problems with many of our municipal treatment plants across the province.

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So the minister continues to say: "We're going to do all this stuff; we're going to review certificates of approval every three years, and we're out there and we're going to test every plant. We're not going to put out any information"—I believe that's what he said today—"until they've tested right across the province."

That's not acceptable. When we asked this question in the House—I think the week before last was when we first asked it—about whether the minister would release this data on the testing of our drinking water across the province, do you know what he told us? He told us and the people out there to go to a Web site; it's all posted on the Web site. So we did. We went and had a look. The data on the Web site was three years old. I think only about a third, maybe less, of the sewer and water plants across the province were listed on that Web site.

That's not what we asked for. People are getting worried about the quality of their drinking water. As more and more stories are revealed, like the incident we brought up today in a small town outside of Owen Sound, more and more people are going to get worried about their water. The minister has got to come clean. He's got to admit they don't have the budget to do the work they should be doing, and hire the staff to do it.

The other thing the government did which was really quite stunning, considering the legislation, the right-to-farm act that was brought in which allowed more intensive livestock farming—factory farming, we call it. At the same time—I think before they brought that in—they cancelled a small but effective program which the NDP had brought in. It was called CURB, Clean Up Rural Beaches, working with farmers directly to keep agricultural runoff from going into our drinking water. That program was cancelled and nothing was put in its place. That just doesn't make any sense whatsoever.

We know, because the government has said it repeatedly, that environmental laws and regulations were seen as red tape. That's part of the problem, when you have a government that sees as red tape the laws of the land that were put in place over the years, starting with a Tory government, and every year, under progressive governments—that was a Freudian slip there—things improved, although not as much as some would like to see.

I know under our government we did a lot. We spent \$200 million in setting up OCWA, the Ontario Clean Water Agency, which now we understand the government's got on the chopping block. We know it has been on the list for some time, but recently it came to our attention from some staff that in fact it was up for sale. They've taken it off now temporarily while this situation is going on, but certainly when the Premier and the minister were asked, they didn't deny it. The Premier went so far as to say, "Yeah, if some good ideas come forward for selling OCWA we'll do that."

Our government set that up, and we took \$200 million out of the line budget of the ministry and put it directly into that, completely dedicated to sewer and water. I watched with amazement in the blame days when the government was trying to find, every day, a new person or a new municipality or a new party to blame: every single day, somebody new to blame. I noticed that for a couple of days, members from the government caucus were popping up all over the place, on TV shows and here in the House and everywhere, and I couldn't quite get what they were talking about at first. They kept talking about the \$200 million that the NDP cut out of the Ministry of the Environment. I had sat around that cabinet table. I thought, this doesn't ring a bell with me, and because I got into politics as an environmentalist, even though I wasn't Minister of the Environment, I paid a lot of attention to the environment portfolio. Ask Ruth Grier; ask Bud Wildman. I was an ally and I was also a watchdog. I paid a lot of attention and did everything I could to assist around that cabinet table, making sure that even in the middle of a terrible recession, which I grant a member acknowledged tonight—I believe it's the first time I heard a Tory member acknowledge that the terrible deficit and recession we were in were not all the NDP's fault, that the American economy actually had something to do with it. I believe he went so far, just a smidgen, as to say that maybe the American economy is having a positive effect on good times right now. He's probably



going to get beaten up later for that by some of his colleagues over there, but he did acknowledge that.

You know, that is the reality. There were lots of things I wanted to do. There were lots of things Ruth Grier wanted to do, lots of things Bud Wildman wanted to do, lots of things that our caucus and government as a whole wanted to do. We picked our priorities within the Ministry of the Environment, as all governments do. This government, the Harris government, decided that the environment was not a priority, period, and cut and slashed it until there was almost nothing left. Our government decided that it was a priority and then within the existing funding that we had—and yes, we decided to borrow money to fund the environment—decided on safe water, and clean air to breathe.

There was so much work to be done. We knew it then and I knew we weren't doing nearly enough. I wanted to do more. But we did make a decision to continue to invest money in the environment even when—and let's be frank here—both opposition parties were screaming at us day after day to do something about the deficit. I think that was a wise decision.

Let me tell you something about safe drinking water. I certainly knew—I'm going to be honest here. When we stand up and talk about the need to have a safe drinking water act, the need to bring all the guidelines and rules and all of those policies into a legal framework, it needs to be done. I wish our government had done it. I wish the Liberal or Tory governments before us had done it. I was quite aware when we were in government that over the years our policies and guidelines came together piecemeal on water policy and that there was a need to have it all brought into law, but I was also aware that it was working overall. A lot more needed to be done and it could have taken billions and billions and billions more dollars, but we had good, dedicated, well-trained staff who understood and knew how it all worked.

Water testing is a good example of that, why it was so important to keep the government labs open and to continue with the well-trained government employees who understood completely how the system worked so it did not break down.

One of the things that I feared—and I did. I'm not just making this up now; I read Hansard the last time we debated this bill. I warned the government when I started to see the many cuts, particularly to the area of water, that something really bad was going to happen, partly because I was aware, perhaps more so than most people in the Legislature, that the laws were not tight enough and that if you didn't have the resources and the staff who understood how it all worked, then things were going to start falling apart, and that's exactly what happened.

I don't understand, now that there's so much evidence that that's exactly what did happen in this case, why again the government doesn't listen. It's no good just putting in a new minister. We've had four or five ministers now since 1995. A new face hasn't changed anything. Some have been better than others in the spin. The one we've got now is not doing such a great job, but

the one before that, Tony Clement, pretty good at the spin. Nothing changed under any of these ministers. They continued to cut and slash and deregulate. We don't just need a new minister; we need a complete new mandate for the Ministry of the Environment, with new dollars attached, before we have another catastrophe. What I fear here is that if the government continues on the track that it's on now and refuses to put new resources back into the ministry until we get to the end of the inquiry, God knows when, some more really bad stuff is going to happen. For a long time we've been saying that you can't dissociate health from the environment, and there's nothing more drastic that anybody can think of or say to show very clearly and precisely what that connection is.

**2030**

We also know that air pollution is a growing problem. Again, I'm not going to say this problem started under the Tory government. No doubt about it, air pollution has been a problem for a while, but we have a government where we had one environment minister who said people were too reliant on public transportation. They needed to get into their cars more, I guess is what he meant. We have a government that is not committed to doing the things we need to do, absolutely have to do, to do something about the growing problem with smog in our city. We have a government that is refusing to actively participate in the Oak Ridges moraine situation, which will absolutely cause all kinds of water problems. There's a direct connection here that people have been making all along, plus an urban sprawl problem, with more and more people in their cars, transportation all increased.

The government has an opportunity to freeze development on the Oak Ridges moraine until a plan that everybody can live with is put in place. We did that. When we were in government, we spent two years consulting and came up with a plan. It might have to be tinkered with a bit now, but that could be applied. The problem is that the government said: "No, no, no. We've got the OMB. The municipalities have enough tools in their toolbox to be able to do this themselves." Well, they don't. Those tools were taken away from them. The government took all the green out of the Planning Act that the NDP had brought in, and the municipalities have almost no tools left to control this. We've got developers bypassing municipalities completely now and going straight to the OMB. They don't even bother going any more to the municipalities, they're just bypassing them.

What does the government do in terms of the Oak Ridges moraine? It decides—and I'm really puzzled by this—not to freeze it until this plan is put in place; it decides to be one of the parties to the OMB, taking a position that they want to preserve about 1% of the Oak Ridges moraine, which is not nearly enough. But that's the position they've taken.

Look at it this way. Supposing we, our side, lose at the OMB, and the government is now technically in that sense sort of on our side by going to the OMB arguing a tepid position on why 1% should be preserved. Right now that land is zoned for farming. If we lose at the

OMB, then the land is rezoned for development. People here understand what that means. It means the value of that land is going to go to the sky, and then the only way the government, if it's truly committed to saving the Oak Ridges moraine, could do that would then be a planner—I believe it was a planner; it might have even been the mayor. I don't have it in front of me. I believe it was the chief planner in Richmond Hill who said that just in Richmond Hill alone it would cost about \$1 billion to expropriate that land, to save it. That's just the Oak Ridges moraine. Give me a break. Is this government going to spend over \$1 billion to save land that it could save now? It has the power; it can do it. If the government hadn't taken all the green elements out of the Planning Act that we brought in, we wouldn't be in this mess today. The wording was such in that act that most of the Oak Ridges moraine would automatically be protected and would be turned down because of the direct environmental impacts that it would have.

Here we have a government that's determined to let the developers get their way in this. If the OMB rules with the developers, they can say, "We wash our hands of it." They'll say, "Oh, well, the NDP took away the right to appeal to cabinet." That's what Mr Gilchrist says repeatedly. I know when I was in government, and if you go back to many governments before us, you can count on one hand—I'd be surprised if you can't count on one hand how many times a cabinet of any political stripe actually overturns those decisions. With hours and years and millions of dollars and time put into arguing the merits of especially these complex cases, cabinets do not like to sit down and overturn those especially complex decisions, and it's rarely done. But furthermore, if you have a proper Planning Act, then you shouldn't need to have a cabinet make a political decision based on who they're getting the most pressure from.

I just find the argument really silly. It doesn't make any sense, when they can act now to protect the Oak Ridges moraine and yet refuse to do it. Even if they were right about the NDP taking away—and they're right that we did take away that ability to ask for an appeal to the cabinet. But knowing that, if they feel it was wrong, they could have put it back. They could have put it back, right? I don't think they should, because the downside to all of that—I mean, let's face it—is the politics of it. I'd be afraid that this government, supposing the OMB actually ruled for something that's very green and really made the developers mad, in fact would do the opposite and take the appeal and actually grant the developers what they wanted. There's a downside to having cabinet make those decisions when it becomes very political, which is another reason why cabinets of any political stripe really do not want to go there.

It really is at the end of the day the responsibility of the government to make sure that the municipalities really do have good tools, develop good tools, so that they can control the development in their areas. Then it's important for the government to make sure that those decisions aren't made on a political basis, that they're

made on a good planning basis. The proponents have millions of dollars to spend before the OMB, and the citizens who are going to be there to try to fight on the other side have almost no money. They need to make sure that there's intervenor funding in place.

There's absolutely no doubt any more that government cuts to the Ministry of the Environment and the Ministry of Natural Resources are having a profound negative effect on our well-being. The worst example of that is the deaths and the illnesses in Walkerton. But there are all kinds of other areas throughout the Ministry of the Environment and the Ministry of Natural Resources.

Remember the Plastimet fire in Hamilton? There's another example where the response of the ministry was not adequate. There were all kinds of problems. We called for an inquiry then, and the government refused. I think it would have been wise to have had a public inquiry at that time because perhaps we would have learned something then and the mess that we're in now, the terrible tragedy that happened in Walkerton—perhaps the government could have been convinced at that time to put more funds in and to make sure that the resources were there to have properly trained staff able to inspect and enforce and make sure that our land, water and air are kept as safe as possible.

I want to come back to why we pay our taxes. You know, none of us like to pay taxes. The government of Ontario, I believe, plays on the greed in all of us. Let's face it, if you're told that you're going to have a few extra dollars in your pocket, we're all going to say, "That's great," and start thinking about what we're going to be able to do with that money. But when you look at the other side of it, when you look at the public good—and that's why we pay taxes, and supposedly we should be taking more from the rich, who can afford it, and less from the poor. But it's all there for the public collective good, so that we have clean water to drink. Nothing can better describe how important our tax dollars that we pay are than when we talk about clean drinking water, because everybody drinks it.

**2040**

I've said there's a war on the poor in this province—and great denials from the other side, even though we have all those statistics about the underbelly, the homeless and the disabled and single parents and kids who can't get child care and our schools falling apart and not enough cleaning staff and kids with asthma. It's the truth. They don't want to hear it. The reports show—the People for Education brought a report to the Minister of Education a few days ago. It's their third report on watching what's happening in our schools since the new funding formula, which completely underfunds our schools. I've seen it myself. I had a letter from a young woman who fell down on dirty, dusty, greasy stairs in her school. This is all new. There's not enough cleaning staff.

**Hon Mrs Ecker:** Maybe they should go to the Durham board, that's cleaning their schools on less money.

**Ms Churley:** Maybe the Minister of Education should start listening to what's really happening out there in our



communities. Maybe the Minister of Education should start paying attention instead of trying to yell over me and justify why their cuts and their funding formulas are working. It isn't working. We've got kids with asthma. I worry about this. Not many people are speaking about this, but anybody who has a kid with asthma, as in my family—you go to school and see dust. You worry that that could have a negative impact on the child—little things like that. We know there are not enough counsellors and principals throughout the system, and there is really low morale. Despite the so-called average, class sizes are actually getting larger in many cases.

I have a school, Bruce school, which celebrated its 75th anniversary last year or the year before, which I attended—a tremendous little school in the lower-income area where I live in South Riverdale, a wonderful little school that serves the community well. That school is on the chopping block. Because of the ministry space formula about how many kids per square foot—and you know those old schools have great big halls and basement spaces and high ceilings and auditoriums—this school is slated to close. There are a lot of new immigrant kids, and they have wonderful language programs—this tremendous little school is on the chopping block, and we're doing everything we can to save it.

Two Catholic schools in the general area, one really close to Bruce, closed down as well. They're already gone. It's too late to save those. That's three schools—two of the three, anyway—that served a lower-income population, very important to the vitality of our community. We don't need these schools to close down. Once again, it's one size fits all. The minister came to our communities—

*Interjection.*

**Ms Churley:** This is all about taxes, my dear Minister of Culture. This is about \$200. Thank you for reminding me about how ridiculous your \$200 tax rebate is. I can tell you that I want clean water to drink, I want clean air to breathe. That's what I want, and if you ask almost anybody across Ontario whether they'd like that \$200 back in their pockets or whether they would like to see the government reinvest that in water, where do you think they'd tell you to put that money?

I'll ask the people who are watching: Would you rather have clean water or that \$200 in your pockets? Are you going to be able to go out with that \$200 and buy a water treatment plant and hire the staff to make sure it's kept clean? I would tell you that the majority of people—

*Interjections.*

**Ms Churley:** Now they're saying, "Tell them to send it back." It doesn't work that way. You shouldn't be sending people the \$200. I started this—

**Hon Mrs Ecker:** You don't trust them with their own money.

**Ms Churley:** They still don't get it. The Minister of Education is saying I don't trust them with their own money. Of course I trust people with all their money. That's got nothing to do with this. It shows—

*Interjection.*

**Ms Churley:** I'm incredulous that these supposedly smart ministers—they're not. They don't get it. That they could make a comment—that the Minister of Education could make a comment, in response to what I'm saying, that I don't trust people with their own money. That's got nothing to do with it.

*Interjection.*

**Ms Churley:** She did say it. What we're talking about here is tax dollars and the collective good, and how there are certain things governments have to fund. That \$200 in your pocket is not going to guarantee that your water is safe. It's as simple as that.

I started tonight talking about the letter I saw in the Toronto Star from the guy who would agree with the Tories here, saying he doesn't understand the outrage about this \$200 giveaway, that the government had said it spent all the money it was going to spend and that it wanted to spend on health, education etc and it had all this money left over so they were going to give it back. Did the government look to see the areas where they have so drastically cut that our systems are falling down around us? No, they continue with their so-called red-tape reduction, which is eliminating very important environmental laws and regulations. That's what it's doing. Did the government decide they were going to take a look, now that they've spent all they wanted to in health and education, at the other areas where they should be investing?

I don't know how many times I have heard people from that side say, when asked about their cuts to the Ministry of the Environment: "Well, you know, we had to get our books in order first, because the NDP left us in such a terrible mess. We have to find a balance, and we can't deal with the environment now because we've got to do something about the books." Well, the books have been balanced and I'm getting sick of this nonsense. The books have been balanced, and what did the government do in the last budget when they're giving away another \$8 billion in tax cuts? What did they do? They cut another \$16 million from the Ministry of the Environment. I am getting so sick of these excuses and silliness about it. You can no longer use the excuse—silly as it was—that you couldn't do anything about environmental protection while you're trying to balance the books. That can't even be used as an excuse any more. The books have been balanced, and you continue to give away tax cuts, over \$8 billion, and you cut another \$16 million out of the Ministry of the Environment. So don't give me that claptrap.

I would like to see one Tory over there, just one Tory, stand up and say, "We believe that the time has come to reinvest in environmental protection in this province," instead of sitting there and laughing and yelling and hooting and doing the usual stuff and not listening to the reality that there have been cuts, that they've cut far too deep, they've deregulated far too much, they've down-loaded far too much, they've amalgamated far too much, they've privatized far too much, and it has hurt environ-

mental protection in this province. When is one person over there going to stand up and admit it?

I'm going to remind people again, when I get upset about environmental protection—and I'm sure others have stories too—that I come from a riding where kids were brain-damaged by lead pollution. I come from a riding where kids got learning disabilities from lead pollution from a lead plant in south Riverdale, where citizens and parents tried for years to get federal and provincial governments to listen, that their kids were being damaged. Governments wouldn't listen until finally David Reville, I believe, who was in the NDP opposition then—I can't remember if it was a Tory government or a Liberal government. Finally we got some attention paid to it after years. It was too late for a lot of those kids. They came in and did all these blood tests. I remember it. It was horrible: all these mobile trailers coming by and little kids lining up having their blood tested. Many of them were way over and they were brain-damaged and learning disabled. We had a massive multi-million dollar soil and housing cleanup. It was just an awful situation.

When government members have an opportunity to look around and see what they're doing, when there's so much overwhelming evidence now, not just from me—I know you're not going to take me, as an opposition member, seriously. I know that. It doesn't matter what I say, you just see it as me doing what opposition members do. But it's not just me: the former Environmental Commissioner, the OMA, the auditor, CELA, CIELAP, Pollution Probe, Greenpeace, TEA, the Toronto Environmental Alliance, all of those folks, over and over—and I'm leaving out some, and I'm sorry, because they have been extremely vigilant—OPSEU itself, the workers. But when we get internal documents telling the ministry that there are going to be big problems, not only if the cuts don't stop but if reinvestment doesn't happen, and the government continues to deny, continues to blame, continues to misrepresent the facts, continues on and on and on without—

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#### *Interjections.*

**Ms Churley:** They're worried that I said "misrepresent the facts."

**Hon Mrs Ecker:** On a point of order, Mr Speaker: I do believe that the honourable member in her comments made a claim, which I believe should be withdrawn, about misrepresenting the facts. It is certainly not what this government has been doing in Walkerton. We are doing everything we can to get to the bottom—

**The Acting Speaker:** Order.

**Ms Churley:** I won't withdraw. This government—

**The Acting Speaker:** Order. I think perhaps the member would want to rethink her position and withdraw.

**Ms Churley:** I withdraw, Mr Speaker.

I would say to the government members that it's extremely disconcerting to stand here and try to point out some of the problems that this government has to deal with and be yelled at and laughed at and watch a gov-

ernment in denial day after day on this issue. It has got to stop.

**The Acting Speaker:** Further debate?

**Mr R. Gary Stewart (Peterborough):** I have to chuckle when I listen to the two opposition parties talking about how bad things have been for the last five years when the economy has increased tenfold. I was in municipal politics when these two parties were involved. That's why my hair turned white. It was a total horror story.

Anyway, it's my pleasure to speak to Bill 72, and I actually am going to talk about the Tax Dividend Act. This act is about giving money back to taxpayers. What is unique about that process is that it is their own money that we are giving back, money that they can spend on their families or indeed on themselves. What a tremendous impact and ripple effect it will have on the economy of this province.

This act gives every eligible Ontario taxpayer a dividend of up to \$200 based on their 1999 Ontario personal income tax. This is a dividend for those Ontarians who paid income tax, those who have been and are working, a bonus thanks to all Ontarians who have contributed to creating a strong and viable economy, working men and women who have helped us eliminate the deficit one year earlier than we had promised. It has been indicated that the surging Ontario economy has allowed this revenue to exceed the 1999 budget forecast. Should we not reward those who have contributed, those who have worked hard to help our government turn this province around?

Our 2000 budget will go down in the annals of history: a budget that sets a course, our course, the province's course, for the future; a budget that will make Ontario a leader on the world stage; a budget that cuts taxes; a budget that invests in infrastructure and reduces debt.

Talk about starting the century off on the right foot. Our economy is booming. I suggest to you that the taxpayers, who have been part of that economic solution, should join in the windfall; to be able to give this dividend after increasing health and education funding.

It was interesting to hear the member earlier make a comment about how we are going to do it in the future. We'll do it the same way that we have this past five years, by increasing revenues, by increasing jobs, to make sure that we have the dollars to put into those two areas.

The Liberal opposition, Mr Phillips, seemed to be upset that we are asking his federal cousins for our money back. Isn't that a parallel situation? We're giving the taxpayers of Ontario their money back. I would suggest hopefully that the Liberal opposition would maybe work with us to get our money, to get the Ontario taxpayers' money back from the feds so that we can reinvest and continue to invest in health care and education.

I am extremely proud to be part of this very proactive government. Some will say from that comment that I'm a bit biased, and maybe I am, but let me offer you some quotes from those who know how the economy works.



This dividend will do many things. "Overall, this is a very investor-friendly budget"—Ontario budget analysis, Nesbitt Burns. "Ontario is on a real roll after a very difficult start in the 1990s"—Mary Webb, senior economist, Bank of Nova Scotia. "Going forward I think is a pretty responsible mix for debt reduction and tax relief, so I'd say the budget is, in general, quite positive." Another one: "I applaud the government for finally bringing down a budget that puts Ontario's fiscal house in order"—Toronto Board of Trade. These are some of the quotes that came from people who are out in the everyday world, working towards helping us to increase the economy and to move it forward.

I want to quote a comment about the dividend that will be given back: "It will be nice to knock a few bills down. We'll turn around and spend the money on something family-related. It's money we can spend and not save. It will go back into the economy." Another: "At the end of the day, I bet this budget is going to keep probably \$600 in my pocket." Finally, let me say this—and I can relate it to my own family—my son's family, my daughter's family, could have up to \$400 back into their top pockets to spend on the economy of this province, to spend on family things that maybe they need. The ripple effect that this money will have on the economy is unbelievable.

We have those naysayers who say they don't want the money, and I have absolutely no problem with that. I can tell you where they can spend the money. In Peterborough we are in the process of, hopefully, being able to build a new hospital. The \$200 that people have, if they don't wish it, they can donate it to the foundation—an ideal way to put it back into the economy and help hundreds and hundreds of people.

It was interesting to note that when the first tax reduction came in back in 1995, we had all kinds of people saying—and you've heard it tonight—"I don't want the money." So we set up an account so they could send it back to the government, and I think they got something like \$11,000 back. So don't tell me that people don't want it. I've got the solution. Put it into our hospital, put it into our foundation or put it towards charitable endeavours within the community that you're involved with.

**Mr Young:** You get a tax receipt.

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**Mr Stewart:** Absolutely. You will get a tax receipt. There are a lot of ways to overcome this.

The other thing about it is, if it is put into charitable donations, it certainly will help those folks who are vulnerable, who are less fortunate, and it will indeed benefit the people of this province. When you get those kinds of dollars back, not only will it help the retail and wholesale business communities, as I said, but it will benefit those who are less fortunate. There could be donations to schools, colleges and universities. There are all kinds of programs set up for those who feel they would like to put it back into the economy.

We're dealing with the two priorities that this province has: education and health. The folks from my area could

put it into the possibility of a new hospital. They could also put it into things like the challenge fund with the universities. There are a million things they can do. They can form those partnerships with the public sector to make this province as good as it possibly can be.

As I mentioned to you, if the money goes into schools, colleges and the various foundations—we did hear that we've taken money out of health care, we've taken money out of education, and what are we doing about mental health? We just put a great deal of money a couple of weeks ago into mental health, additional dollars into health, \$263 million more the other day into education. In my own community, R and D support for Trent University and Sir Sandford Fleming College has been unbelievable over the last few years. Social housing—those things are happening now. As well, we're able to give dollars back to those people we believe need it.

I believe the economy of this province is absolutely unbelievable at the moment: 700,000 jobs, 500,000 off social assistance, more money into health care, more money into education, more money into children's initiatives like Healthy Babies, Healthy Children; Healthy Futures. We're doing all those things. For the life of me, Mr Chrétien yesterday said, "Well, we've got to find a plan before we're going to give you any money for health," and yet our opposition over here does not want to support us to go to Mr Chrétien—

*Interjections.*

**Mr Stewart:** My voice was a little lower; I didn't mean to mimic him.

*Interjection:* It wasn't very good.

**Mr Stewart:** It wasn't very good, but I had to suggest something. I could do more John Wayne. We could maybe have somebody coming over on a white horse who could knock a little bit of sense into some of these people.

Anyway, we are doing those things. I'm very proud of the fact that we have that ability and we will continue to go that way. The future is very bright in this province, and it's because of the initiatives we have taken. I listen to the other side of the House and all the Chicken Littles over there who suggest that the sky is going to fall. It isn't falling. It's very blue, it's very, very bright, and it will continue to be that way in the future if we keep moving the way we have in the last five years and we will in the next three years. The mandate that we got one year ago said, "Folks, keep doing what you're doing, because this province is finally moving ahead."

**The Acting Speaker:** Further debate?

**Mr Michael Bryant (St Paul's):** I listened closely to the member opposite's comments and I have to say what an incredible indictment of this government's fiscal management to rise in this House and suggest that people take their dividends and reinvest them in health care and education through fundraising efforts. That's what the government is supposed to do. That's what the treasury is supposed to do. They take the taxpayers' money and they allocate it in a way that they believe is just, and they have to do it in a way that they believe is efficient.

Let's just deal with the efficiency argument. We collect taxpayers' money at no small expense. We then give it back, says the government, at a cost of millions of dollars via a dividend and a gimmick, and I'll speak to that in a moment. And now you're asking them to give the money back again, in this case to a hospital foundation to try and fund the health care system.

How on earth could anybody have devised such an inefficient system, efficiency presumably being one of the proposed cornerstones, as I understand it, of the neo-conservative philosophy of this government? Of course, efficiency is the ultimate utilitarian argument and it can lead to absurdities. The ultimate satire in this is Swift's satire on utilitarian arguments with respect to the treatment of children.

But leaving that and the problem with utilitarian arguments aside for the moment, the idea that the government—not the opposition but the government—would promote the idea that taxpayers take their dividend, this gimmick, and give it back to the public purse to pay for the services which they so desperately need is an extraordinary indictment of this bill and an extraordinary indictment of this Conservative ideology.

#### *Interjection.*

**Mr Bryant:** I didn't hear the member opposite. But even without going into the ridiculous inefficiencies of this position, we know that this debate is about the costs and the benefits of the Common Sense Revolution. That's what we're really here talking about over the next few weeks, the final weeks in which this House is sitting. This government is going to try and take full credit for economic prosperity, at least short-term, in Ontario, and of course the opposition is going to accuse them of being the rooster taking credit for the sun rising. We know the public is probably going to, rightly or wrongly, give some credit to Alan Greenspan, and they may give some credit to the government as well. That's the benefit of the Common Sense Revolution, the argument goes: "Here's your benefit; here's your \$200 cheque. Please give it back to us now because we need it."

Let's talk about the allocation and priorities of those benefits for a moment. Any benefit with respect to affordable housing? Is the dividend coming from this bill going towards affordable housing? The answer, of course, is in the negative. I can tell you that my office, the constituency office in St Paul's, is deluged with calls about housing. Sixty-eight per cent of the people who live in my riding are renters, the second highest proportion of tenants in the province. They bear the brunt of the Tenant Protection Act, so called, in a macabre way, in an Orwellian way. Every day many people call our office and say, "I can't pay the rent any more because my rent has been increased," and rents have increased in the city of Toronto on an average of 9% a year. People have to make a choice, quite literally—for those on fixed incomes in particular, those on a pension—between paying the rent and paying for food. So they have to leave, and where are they going to go?

They say: "I need some assistance. Is there any affordable housing being built?" The answer, of course, is no. Lots of luxury condos are popping up as a result of the legislation. Affordable housing such as on Tweedsmuir and St Clair and Russell Hill is being demolished and replaced with these luxury condos and these people are being thrown out on to the streets, many of them seniors and elderly people.

Is there anything in the Common Sense Revolution which assists them? Is there a benefit in that? There is none. There is nothing for them. There is no assistance offered by the government. There is no dividend for tenants, as it were. That \$200 cheque, I can assure you, will not even cover their annual rent increase. But of course this government would have you give back that dividend to try and fund the basic primary services that most of us have taken for granted here in the province of Ontario.

The Harris dividend: a \$645-million gift to individuals and corporations that play the stock market, a point made ably by the official opposition finance critic earlier. At the same time, spending on the poor, the weak, the elderly has been cut; we know that. Of course the government is going to say no, and we will say yes. There are the cuts to education, among other things, \$1.6 billion. Every time it's said, the government goes bananas. Don't believe me; believe the Ombudsman. Talk about another indictment, the latest Ombudsman's report summed it up. "The fact is"—these are the costs of the Common Sense Revolution, not the benefits—"a demonstrable lack of resources has led to an inability to provide acceptable levels of service and senior government officials have failed to take adequate steps to address the problems," says the Ombudsman in her latest report.

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Why is there a lack of resources? We know. It's because of these enormous tax cuts. It's because \$1 billion has been given back by way of a dividend—the \$200 cheque to everybody with the enormous inefficiencies therein—and as a result there are no resources to pay for these basic services. Incredibly, the member opposite, the member for Peterborough, decided that people should give that \$1 billion back to the government because the money is needed. Why? As the Ombudsman said, we don't have a resource base to deal with the services.

Spending on transportation is down \$480 million since 1996-97. The TTC: We live in the only city not funded provincially, the only metropolis in the world in which 100% of the tax base comes from the municipal level. The province is unwilling to make any investment whatsoever. Could some of those tax cuts have been better spent on that? You bet. If only for reasons of efficiencies, you could make a purely economic argument why that would be the better approach. And of course there is the \$1-billion tax rebate, a gimmick taken from Governor Ventura, and what a gimmick it was.

I'll say with all honesty to this House that I have received a number of calls and e-mails on this, and unlike the member opposite who had a number of stories con-



trary to what I'm about to suggest, not a single person said they thought this was anywhere near an appropriate measure to be undertaken by the government of Ontario. I've already discussed the lunacy of the thinking whereby the Treasurer gives up money at great expense only to ask for it back.

Here's what one constituent of St Paul's said:

"With all the tax cuts, we've now found out what we, the average citizens, are worth—\$200. The Conservatives believe they can throw \$200 at all Ontario residents and because of this we will forget the fact that they are an incompetent government. Please, what an insult. They believe that the people will ignore that they did not address the need for affordable housing, affordable tuition and education and homelessness." He asks that I mention his name. Ryan Bissonette is his name.

Also, there's a synagogue in my riding—I'm not going to name it only because there may be many other synagogues and churches which are doing the same thing, exactly what the member for Peterborough is suggesting—and they are actually sending a letter to the members of their congregation and they are expressing the will of the congregation. The two senior rabbis at this synagogue said: "A number of members of the congregation have come to us and said: 'We don't want this \$200 dividend. We want it spent in a more charitable way.'" So this synagogue has to play the role of the treasury. They have to figure out and spend money in a way to donate to services and provide those services that the government of Ontario is supposed to provide.

It's interesting. Just today in the newspaper we see that evolution of the government's ideology is not happening. They are stuck back in some Charles Dickens era where the gap between wealth and poverty was so shocking that we thought it was behind us.

Here's what one of George Bush's senior domestic advisers, Myron Magnet, said in reference to tax cuts, "Weren't dizzying contrasts of wealth and poverty supposed to have gone out with Dickensian London?" Mr Goldsmith, his domestic political adviser, said this: "If you go back to 1996, the Republicans' message was that government had been harmful. Therefore, eliminate government, and people in tough circumstances will suddenly be better off. Both the public and many Republican mayors said that's naive. Merely the absence of bad action is not going to be sufficient."

This is coming from neo-conservatives. This government has missed the boat on this front. The legacy of benefits is not one that I think a government can be proud of, given these inefficiencies, and the cost—in a word: Walkerton. What is the legacy of this government in terms of the costs and benefits? We're going to debate it over the next two weeks and I look forward to hearing from the environment critic on this point.

**Mr James J. Bradley (St Catharines):** I think that if you put this bill in context of the general debate that's going on in our society today, you would recognize that there is a fundamental position on one side and a fundamental position on the other side. Government members

have enunciated the other side: First, there should be massive tax cuts, huge tax cuts, which would go to the corporations in this country, to the point where we would be substantially below that in adjacent jurisdictions; second, there would be further massive income tax cuts provincially; third, there would be tax cuts for people who are involved with capital gains.

What this does is place us in a vulnerable position for the delivery of public services. I understand the other side of the issue. I don't agree with it but I understand it. I think when people make their decisions they should know the consequences of those decisions.

We have seen massive cuts in the budgets of the Ministry of the Environment, the Ministry of Natural Resources and other ministries, but these are two ministries which are there to protect the public interest. The government made a decision to cut over 40% of the budget of the Ministry of the Environment and turf one third of the staff out the door. The Ministry of Natural Resources made similar cuts. The result is that the drinking water in our province is placed at far greater risk as a result of those cuts and we are vulnerable to the unfortunate and tragic events that happened in Walkerton, and we are vulnerable in other municipalities and jurisdictions as a result.

It is my view, one which I have enunciated for my length of time in this Legislature, and before that, that government is there to provide essential services for people. Government does not make vehicles. Government is not involved in the manufacturing process. But it does have a role to protect people in this province, particularly those who are at the lower end of the economic echelon. It is true that very wealthy people, people of privilege, are able to buy a lot of their own services. They might even be able to set up a system within their household to be able to purify their water in an extensive way. They may be able to have their own security force within a gated subdivision. They may be able to buy better health care services than others. That is certainly the way it is in the United States. The United States is a great place to live if you have money. If you do not have a lot of money, you are vulnerable in many different ways.

My friend the Liberal critic in the field of finance expressed a grave concern that with these massive tax cuts, these further tax cuts and those that are being pressed upon the federal government and which the federal government appears to be moving forward with, we are placing in jeopardy public services to which people in this country are entitled and which reduce the risks of unfortunate consequences.

The \$200 represents a very fundamental argument. If you were to ask the people of Walkerton today, "Would you rather that \$200 had been applied to services that would reduce the risk of water which ended up killing some people and making about 2,000 people ill, or take it in a cheque from the government?"—which I would call a public relations trick learned from some American governors—I suspect the overwhelming number of people in Walkerton would have chosen to have that

money invested in protecting the health care system and of course the environment in Walkerton and other communities.

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That is what has happened. I hope the public recognizes today that this is what the so-called Common Sense Revolution was about. It was about dismantling the public sector. It was about discrediting and creating a crisis in confidence for public institutions such as the Ministry of the Environment and education and health care, so that people would accept a solution which they might not otherwise accept. I hope when that debate is out there that people at least know the consequences. There were some who voted for tax cuts and getting the government out of their faces because that was a popular suggestion at the time from the government.

I suspect many did not recognize down the line what those consequences were. We have seen them in the field of the environment, in so many different areas, we've seen them in health care and we've seen them in education and other important fields of endeavour, things such as winter maintenance on the highway system of this province. All of these increase risk so we can put more money in the pockets of the wealthiest people in the province. Yes, others get a tax cut as well, but of course with the imposition of user fees, which weigh heavily upon people of modest income, we find that those individuals are not better off—they're probably worse off—but the very wealthy can afford those user fees and do not have to share their wealth with others in the province.

I look at the abandonment of the public transit system, for instance. The people who use public transit are often people of modest income. This province has made a decision—a very bad environmental decision and I think a very bad transportation decision—to totally abandon, in a funding sense, public transportation. I would like to see, for instance, the GO train extended to St Catharines and Niagara Falls, if I can for at least one moment be a bit parochial, but into other areas of this province as well. I would like to see a well-funded public system of transportation so that we can avoid having individuals take their vehicles everywhere they must go and contributing immensely to the smog problem in this province.

I think of the Red Tape Commission. It was re-established, ironically, the same week as events were breaking in Walkerton. What was the purpose of that? To get the government out of your face. You see, I think we should have a green tape commission in this province, one that looks at regulations which are necessary to protect the environment and the public health of people in this province. I know it's very popular to say, when you're talking to the business person—not the progressive business people who are prepared to be good corporate citizens when it comes to the environment, but those who want to cut corners—"We're going to get the government out of your face; we're going to get the Ministry of the Environment out of your face."

You see the consequences of that. You see the consequences of having four different Ministers of the Environment, one who was part-time and others who have been shuffled in and out of the ministry. You see the consequences of telling your ministry officials that they must be business-friendly—in other words, to look the other way unless there's a really pressing matter before them. Look at our regional offices, our district offices and our area offices and you'll find the staff is virtually gone in those areas. They simply cannot respond. They're turning over to municipalities a lot of the roles and responsibilities the Ministry of the Environment once had.

The water division of the Ministry of the Environment has been virtually obliterated. They cannot possibly conduct the kind of inspections the minister is talking about today, because those staff are gone. If they're going to get them, they're going to have to hire back people they fired out the door, and they're going to charge as much as they can, justifiably, of the government for those services. We have fewer scientists, technicians, investigators, inspectors, clerical staff, legal staff—the list goes on—within the Ministry of the Environment and the Ministry of Natural Resources.

We can no longer conduct a drinking water surveillance program in this province because we don't have the staff to conduct it and to report to the people what the problems are so action can be taken at the local and provincial levels. We have a planning approach, an environmental assessment approach, which has been weakened considerably. In fact, the Premier brags of this in the booklets he puts out to businesses which might wish to invest in Ontario. It's very short-sighted to do that. I know it was tedious, I know it was difficult sometimes, but it was essential to avoid mistakes.

Air pollution: I was in the city of Buffalo today and in an embarrassing situation where Ontario was justifiably being criticized for the huge problem that exists with the Nanticoke coal-fired plant. The emissions of the plant go over the Niagara Peninsula. It has very poor emission controls on it and that toxic soup goes over Lake Erie, sometimes over Lake Ontario and over farmland in the Niagara region. There we were, as Canadians, dumping not only on ourselves but on people in New York State, who now, by the way, have much tougher rules for power plants which are coal-fired than we in Ontario have.

We have huge corporate cuts, then, we have capital gains reductions, we have income tax reductions, but we have public services which are very vulnerable. I think people in this province are going to have to look at that carefully. Even people who initially thought tax cuts were a good idea, even people who see themselves as small-c conservatives are saying to me today that they believe this government made a dramatic and drastic error by cutting back the Ministry of the Environment, as happened.

It is my request of the government that it put back into the Ministry of the Environment and back into the Ministry of Natural Resources the staff and the budget that is



necessary to carry out the responsibilities; that they take that \$200 and spend it on the protection of public health and the environment in this province.

**The Acting Speaker:** Pursuant to the order of the House dated May 15, 2000, I am required to interrupt the proceedings and put the question on the motion.

Mr Young has moved third reading of Bill 72. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

**Mr Mario Sergio (York West):** On division.

**The Acting Speaker:** On division, carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 2127.*

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Parry Sound-Muskoka	<b>Eves, Hon / L'hon Ernie L.</b> (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	Stewart, R. Gary (PC)	Vaughan-King-Aurora	<b>Palladini, Hon / L'hon Al</b> (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Education / ministre de l'Éducation	Waterloo-Wellington	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Wentworth-Burlington	Vacant
Renfrew-Nipissing- Pembroke	Conway, Sean G. (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

## STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE

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Gilles Bisson, Sean G. Conway, Alvin Curling,  
Gerard Kennedy, Frank Mazzilli, John R. O'Toole,  
R. Gary Stewart, Wayne Wettlaufer  
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Gilles Bisson, Claudette Boyer, Brian Coburn,  
Garfield Dunlop, Raminder Gill, Pat Hoy,  
Frances Lankin, Bill Murdoch  
Clerk / Greffière: Anne Stokes



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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 13 June 2000

Mardi 13 juin 2000

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 13 June 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 13 juin 2000

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### SHABAQUA HIGHWAY

**Mr Michael Gravelle (Thunder Bay-Superior North):** I want to use this opportunity today to call on the Minister of Transportation to move ahead with the construction of the Shabaqua Highway in Thunder Bay. This crucial route, which would extend the existing Harbour Expressway westerly to connect with Highway 11/17 at the 10th Side Road, needs to be made a real priority by this government as the sharp increase in commercial traffic on both the Arthur Street corridor and Highway 102/Dawson Road is causing serious safety concerns in our community. Most significantly, construction of the Shabaqua Highway would create a much-needed direct connection to the heavy industrial area of the city and would be supported, once it's completed, by a ban on everything but local traffic on Arthur Street.

It's important to note that this is a project that can move ahead quickly. This route has been in the planning stages since the mid-1970s. All the necessary land has been acquired. The right-of-way has been cleared and it is my understanding that all environmental reviews have been completed.

The construction of this important highway extension is supported by Thunder Bay city council, the Thunder Bay Chamber of Commerce, various trucking organizations and by an ever-increasing number of citizens in our community. It is my hope that you will see the value of moving forward with the construction of the Shabaqua Highway, especially in light of your commitment to spend more money on northern roads.

As commercial truck traffic continues to increase on our roads, it is vital that we seek solutions to the safety issues that go along with those increases, as well as the economic advantages of smoother passage for transport. Minister, this is a project that deserves your support. Please make it a priority.

#### UNITED EMPIRE LOYALISTS' DAY

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I'd like to draw members' attention to Monday, June 19, which is fast approaching. On that day, Ontario cele-

brates its third United Empire Loyalists' Day. I will host and participate in an 11:30 am ceremony to commemorate the occasion on the lawn at Queen's Park. It will be an honour to represent Haldimand-Norfolk-Brant on June 19, both as an MPP and also as a descendant of a Loyalist family.

Although he can't make it on that day, I'd also like to recognize a former member for Hastings-Peterborough, Harry Danford, UE, for making United Empire Loyalists' Day a reality in Ontario.

The story of United Empire Loyalists began over 200 years ago during the conflict between the crown and its American colonies over what was considered to be over-taxation and oppressive rule. Not all inhabitants of the original 13 American colonies were in favour of independence. These loyalists reflected diverse religious, cultural and economic backgrounds representing many places of origin: England, France, Germany, Holland, Africa, native North Americans and others.

Today, Canadian's benefit from the democratic institutions Loyalists fought to defend: a Parliamentary democracy headed by a constitutional monarchy. This is our heritage and one that I am proud to serve. I invite all members to join me to celebrate United Empire Loyalists' Day. God save the Queen.

#### NORTHERN HEALTH SERVICES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** Over the past year, my northern colleagues and I have continued to raise our concern about the unfair treatment of northern Ontario residents who have to leave their home communities to receive health care.

A year ago, northerners were frustrated and angry to learn that cancer patients from southern Ontario who have to travel to get radiation treatment had all their travel, accommodation and meal costs paid for by the government. In the meantime, northern Ontario patients were eligible for a maximum of \$420 dollars through the northern health travel grant.

Last June, the government agreed to cover all the costs of northern patients who were receiving brachiotherapy—a positive hopeful step. But there has been no further action since then despite petitions with thousands and thousands of names of concerned citizens and unanimous support of every northern municipality, wanting to see fair treatment of northern Ontario patients.

The minister seems to think there's nothing more that needs to be done. She says northerners get the same



treatment as southerners if they have to leave their region to get care. That is simply not the case, not for cancer patients and not even for families of children with cancer who have to go to Sick Kids for treatment. It is certainly not the case that there's fair treatment for others who have to leave to get care.

I have constituents who have to leave northwestern Ontario to get treatment for neurological disorders and to have cardiac surgery. Children with spina bifida have repeated visits to clinics in Toronto. If you need a kidney transplant, it will cost you over \$4,000, and that's if you're prepared to come down and go through it by yourself without any help or support.

Those are just a few examples of people who are being forced to spend large amounts of their own money to get medically necessary care.

The only difference between the situation of southern Ontario cancer patients and the needs of northern Ontario residents is that the situation is not temporary for northerners. It's gone on too long. It's time to address the unfairness.

#### BRYAN LEWIS

**Mr Ted Chudleigh (Halton):** I'd like to take this opportunity to congratulate Bryan Lewis, the NHL director of officiating, on winning the Georgetown Hockey Heritage Award for 2000.

Mr Lewis began his hockey career playing minor hockey in Georgetown. He graduated to play Junior C with the Georgetown Raiders and moved to Junior B, playing in both Dixie, where he met his wife, and Burlington. He eventually became involved as an administrator, acting as commissioner for Georgetown Legion hockey with the guidance of Bill Fisher, Jim Yates and Roy Norton Sr.

Mr Lewis was a charter member of the Georgetown Referees' Association. While working minor hockey, he was selected to officiate in the Georgetown International Bantam Tournament and has officiated in every tournament in its 39-year history.

Mr Lewis quickly advanced as a referee through the OHA Junior A and eventually received the OHA honour roll award.

He refereed his first NHL game on January 6, 1970, in Montreal, the first of 1,031 such assignments, including the 1981 All-Star game, the 1984 Canada Cup and the Stanley Cup playoffs, often in the final series. Mr Lewis joined the NHL as supervisor of officials in 1986 and was appointed director of officiating in 1989.

He has always been a supporter of hockey in Georgetown, and I'd like to thank him for his contributions over the years.

#### HOSPITAL FUNDING

**Mr Dominic Agostino (Hamilton East):** As the government continues to spin numbers in regard to health care spending in Ontario, I will remind this government

of a crisis we have at St Joseph's Hospital in Hamilton. This hospital, which has a number one rating for efficiency in the province of Ontario, is facing a \$5.4-million debt in the upcoming year. The hospital, I want to stress, has warned the province of Ontario that people's health will be put in jeopardy and the possibility will exist that people will die if this funding is not forwarded to St Joseph's. Some of the steps they'll have to take will include closing beds, reducing admissions, laying off staff, cancelling elective surgery, increasing waiting time in the ER and turning ambulances away more often.

We're just seeing the impact of this. The mobile collection blood service, which would go to the homes of seniors and the disabled in Hamilton-Wentworth who are too ill or too frail to go to a clinic, has been cancelled. Over 20,000 visits a year by this mobile service will no longer take place as a result of funding cuts by the government of Ontario. We have one of the longest waiting lists for cardiac surgery at St Joseph's Hospital.

I urge, I beg, I implore this government to give St Joseph's the \$5.4 million. Let me go clearly on the record: As you were warned with Walkerton, you have been warned with St Joseph's Hospital. They have made it clear that people could die because of cuts in services. Remember that in coming up with the \$5.4 million necessary for St Joseph's in Hamilton.

1340

#### EDUCATION LEGISLATION

**Mr Rosario Marchese (Trinity-Spadina):** I have a message for the Minister of Education and the Premier from parents and teachers, and trustees as well: Bill 74 is injurious to the entire teaching profession, but to the entire educational profession in its individual parts and on the whole. I've got to tell you that what this minister has announced in terms of saying that extracurricular activity will not be mandatory but will be in law, not applied but held in abeyance, like the sword of Damocles—with the help of the clerks we were able to get that right, and I appreciate the help. That's the first part.

I find it offensive and the teaching profession finds that particular measure you've taken offensive. Nothing has been done to help the teachers. The fact that you are forcing teachers to teach 6.67 courses of teaching time means that teachers will be teaching yet another extra class. It means you will be firing up to 2,000 teachers—offensive to the teachers and offensive to me.

Finally, you are, through this bill, decapitating the trustees, where they are rendered helpless and unable to defend and protect the parents who elected them. They are powerless with this bill. You have taken away local control with this bill and we are all angry about it.

#### SPECIAL EDUCATION

**Mr Jerry J. Ouellette (Oshawa):** I'd like to bring to the attention of the House the extraordinary efforts being

made by teachers of special needs students in the primary schools of Durham region.

An excellent example happened last week. C.E. Broughton school is an innovative school in Whitby, in the riding represented by my colleague Jim Flaherty, the Attorney General for the province. Ms Smyka and Mrs Clark each teach classes of special needs students. Supported by their educational assistants, last week they organized a two-night camping trip for the special needs students at the scout camp, Camp Samac, in Oshawa, which is in the riding of the member for Durham, Mr O'Toole, I might add. The children were both excited and delighted. What a wonderful experience for these children as part of their education.

I am sure all members will share our enthusiasm in Durham region for the teachers and educational assistants who lead the way in demonstrating initiative and dedication to their students and, in particular, expanding the horizons of special needs children.

### HYDRO RATES

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I want to talk about Hydro today, and particularly and sadly about the fact that hydro rates are going up for all Ontarians: residential, farm, and industrial and commercial consumers. They're going up because of the electricity policy of the Harris government.

It was astonishing last Thursday to hear the Minister of Energy, Mr Wilson, stand here and play the blame game: "It's all because of the municipalities." Well, let's talk turkey. Let's talk the truth.

What have we got? Over at Ontario Hydro, we find out that they are down at the energy board bragging about the fact that, thanks to a capital restructuring done last year in the dark, they've built in a 9.35% commercial rate of return already. Their rates in most cases are substantially higher than the rates for customers at the municipal level beside them.

I have to say, we're all watching these days the multi-million-dollar Hydro ads. You know the new Hydro One? Those ads should be recalibrated to say "Hydro Won," because under Mike Harris, Ontario Hydro has won. They managed to get this Tory Legislature to rig the rules of the new game by giving Hydro preferential status in the restructured market. We're going into a deregulated market this fall where Ontario Hydro generation is going to have 85% to 90% of the market.

Hydro rates are going up, you bet. They're going up because of direct actions of the Ontario government, not because of what municipalities are doing.

### ONTARIO ECONOMY

**Mr Bart Maves (Niagara Falls):** Isabel Bassett, David Boushy, Jim Brown, Jack Carroll, Harry Danford, Ed Doyle, Barb Fisher, Doug Ford, Gary Fox, Tom Froese, Bill Grimmett, Charles Harnick, Dave Johnson, Ron Johnson, Leo Jordan, Al Leach, Gary Leadston, Al

McLean, John Parker, Trevor Petit, Peter Preston, Lillian Ross, Doug Rollins, Bill Saunderson, Reverend Derwyn Shea, Frank Sheehan, Toni Skarica, Bruce Smith, Bill Vankoughnet, Noble Villeneuve and Terrence Young.

On May 2, 2000, Finance Minister Ernie Eves presented the second of two consecutive balanced budgets for the province of Ontario. This is a historic achievement. The last time the Ontario budget was balanced in two consecutive years was in 1942-43 and 1943-44.

At the same time that this government has balanced budgets, the Ontario economy has flourished. Spurred by tax cuts, 700,000 net new jobs have been created, over 500,000 people have moved from welfare to work, and sound investments in health care, education and infrastructure have been made.

This legacy belongs not only to the current members who have returned to sit on this side of the Legislature; it should also be attributed to the above-mentioned former members. Our colleagues worked diligently with us between 1995 and 1999 to achieve the phenomenal Ontario turnaround. It is important that we commend them and thank them for their efforts.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

**Mr Carl DeFaria (Mississauga East):** I beg leave to present a report from the standing committee on justice and social policy and move its adoption.

**Clerk at the Table (Ms Lisa Freedman):** Your committee begs to report the following bill, as amended:

Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1346 to 1351.*

**The Speaker:** Would the members kindly take their seats.

Mr DeFaria has moved adoption of the report by the standing committee on justice and social policy.

All those in favour will please rise one at a time and be recognized by the clerk.

#### Ayes

Arnott, Ted

Baird, John R.

Barrett, Toby

Beaubien, Marcel

Chudleigh, Ted

Clark, Brad

Gill, Raminder

Guzzo, Garry J.

Hardeman, Ernie

Hodgson, Chris

Hudak, Tim

Jackson, Cameron

Newman, Dan

O'Toole, John

Ouellette, Jerry J.

Runciman, Robert W.

Sampson, Rob

Snobelen, John



Clement, Tony  
Coburn, Brian  
Cunningham, Dianne  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug

Johns, Helen  
Johnson, Bert  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Molinari, Tina R.  
Munro, Julia  
Murdoch, Bill

Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Tilson, David  
Turnbull, David  
Witmer, Elizabeth  
Young, David

ogies de l'information dans les opérations commerciales et autres en éliminant les incertitudes juridiques et les obstacles législatifs qui ont une incidence sur les communications électroniques.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The Attorney General for a short statement.

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** I'm going to make a minister's statement on it.

**The Speaker:** All those opposed to the motion will please rise one at a time.

#### Nays

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Brown, Michael A.  
Bryant, Michael  
Christopherson, David  
Churley, Marilyn  
Cleary, John C.

Conway, Sean G.  
Curling, Alvin  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hampton, Howard  
Kennedy, Gerard  
Kormos, Peter  
Kwinter, Monte

Lalonde, Jean-Marc  
Lankin, Frances  
Marchese, Rosario  
Martel, Shelley  
Martin, Tony  
McLeod, Lyn  
Parsons, Elmie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 45; the nays are 32.

**The Speaker:** I declare the motion carried.

Pursuant to the order of the House dated Wednesday, May 31, 2000, the bill is ordered for third reading.

#### VISITORS

**Hon John Snobelen (Minister of Natural Resources):** On a point of order, Mr Speaker: With your indulgence, I'd like to introduce to this chamber, in the west gallery, the senior fire managers from the Peoples' Republic of China. They are here today to watch these proceedings. They'll be spending close to a month in Ontario working with our forest firefighters and learning the techniques in Ontario. I'm pleased to report that Ontario's firefighting equipment and our manpower is known around the world. I'm pleased to welcome these firefighters from the Peoples' Republic of China here today.

**The Speaker (Hon Gary Carr):** That is not a point of order, but we do welcome our guests.

#### INTRODUCTION OF BILLS

##### ELECTRONIC COMMERCE ACT, 2000

##### LOI DE 2000 SUR LE COMMERCE ÉLECTRONIQUE

Mr Flaherty moved first reading of the following bill:

Bill 88, An Act to promote the use of information technology in commercial and other transactions by resolving legal uncertainties and removing statutory barriers that affect electronic communication / Projet de loi 88, Loi visant à promouvoir l'utilisation des technol-

##### MINISTRY OF CORRECTIONAL SERVICES AMENDMENT ACT, 2000

##### LOI DE 2000 MODIFIANT LA LOI SUR LE MINISTÈRE DES SERVICES CORRECTIONNELS

Mr Kormos moved first reading of the following bill:

Bill 89, An Act to amend the Ministry of Correctional Services Act with respect to parole hearings and the disclosure of information by the Board of Parole, to ensure greater fairness and broader access for victims, inmates and others / Projet de loi 89, Loi modifiant la Loi sur le ministère des Services correctionnels à l'égard des audiences de libération conditionnelle et de la divulgation de renseignements par la Commission des libérations conditionnelles afin d'assurer une plus grande équité et un meilleur accès pour les victimes, les détenus et d'autres personnes.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

The member for Niagara Centre for a short statement.

**Mr Peter Kormos (Niagara Centre):** This act would entitle victims to be advised as of right of pending parole hearings and to be able to attend as of right those parole hearings in the provincial context. As well, it would entitle members of the public, including most importantly members of the press, journalists, to attend parole hearings and obtain that appropriate information, including reasons given for granting or denying parole, so that there can be a new level of transparency in the parole process and an enhancement of victims' rights when it comes to consideration of parole applications by inmates.

##### SAVE OUR ARCHITECTURAL HERITAGE ACT, 2000

##### LOI DE 2000 VISANT À SAUVEGARDER NOTRE PATRIMOINE ARCHITECTURAL

Mr Marchese moved first reading of the following bill:

Bill 90, An Act to amend the Ontario Heritage Act to promote the conservation of buildings of historic or architectural value / Projet de loi 90, Loi modifiant la Loi sur le patrimoine de l'Ontario pour promouvoir la

conservation de bâtiments ayant une valeur historique ou architecturale.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

**Mr Rosario Marchese (Trinity-Spadina):** This is a harmless and non-partisan bill, as you can imagine. The bill makes the following amendments to the Ontario Heritage Act: Municipal councils are given power to prohibit the demolition of buildings that have been designated under part IV and demolition of buildings in areas designated under part V. As you know, currently the act merely allows councils to delay demolition for up to 180 days.

The second thing it would do is that council decisions may be appealed to the Conservation Review Board. The third point is that a provision dealing with financial assistance for owners of heritage properties is included in the bill.

I hope to have the support of government members on this.

1400

## MOTIONS

### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Hon Norman W. Sterling (Minister of Inter-governmental Affairs, Government House Leader):** I move that the standing committee on general government be authorized to meet from 9 am to 12 pm on Wednesday, June 14, 2000, for the purpose of considering Bill 68.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### INFORMATION TECHNOLOGY LEGISLATION

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** This statement is about the bill I introduced a few minutes ago.

The world is going on-line. Over 300 million people around the globe access the Internet on a regular basis. Over the next three years it is estimated that, worldwide, e-business will reach US\$1.3 trillion dollars annually. For Ontario, that means the creation of new jobs and the potential sale of millions of dollars in goods and services.

Still, some businesses and consumers are wary of doing business electronically because of the legal uncertainty governing on-line transactions. This uncertainty

is restricting the growth and acceptance of e-commerce in Ontario.

The legislation I introduced earlier today, if passed, would boost the on-line growth of electronic business in this province. Our proposed Electronic Commerce Act would cut red tape and remove outdated legal barriers to e-commerce. This bill would encourage investment and investor confidence in Ontario and provide the people of Ontario with a new level of certainty in their electronic transactions.

This bill would ensure that electronic contracts, documents and signatures have the same legal effect as contracts, documents and signatures on paper. This bill would set up rules for automated transactions and for correcting mistakes made on a computer. This bill would adopt national and international standards for e-commerce law based on international models developed by the United Nations.

The act would be enabling legislation. It would not force people to go electronic. It would simply provide legal clarity for those who wish to do so.

The act would be minimalist legislation. It would not prescribe any particular technology that must be used.

We know there are privacy concerns surrounding e-commerce, and we have consulted with the Information and Privacy Commission. In fact, the commissioner has written to me indicating how pleased she was with the consultation. As well, the related issue of consumer protection is being reviewed and will be addressed by the Ministry of Consumer and Commercial Relations.

I would like to take this opportunity to thank the member for Etobicoke North, John Hastings, for all his efforts and initiative in the area of e-commerce.

I would also like to thank the many businesses and associations that have told us that they fully endorse the introduction of e-commerce legislation: John Wetmore, the president and CEO of IBM Canada, is one business leader who is encouraging other provinces to adopt our government's approach. As well, I am pleased to acknowledge several business leaders in the House today: Margo Langford of IBM Canada, Louis H. Milrad of I-TECH, Mr George Takash, author of Computer Law in Canada, Peter Woolford of the Retail Council of Canada, Shameela Abbas and Susan Kerr of the Canadian Bankers Association.

This government is committed to fostering a positive climate for e-business by bringing Ontario laws in line with technological advances and by allowing business to be as creative, innovative and competitive as possible. Better laws encourage investment and job creation in Ontario.

## WALKERTON TRAGEDY

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** All members of this House share a determination to get to the bottom of the Walkerton tragedy. Today I am informing the House that cabinet has now formally established a commission of



inquiry with Justice Dennis O'Connor as commissioner. I am also pleased to announce that comprehensive terms of reference for the public inquiry have been finalized, giving Justice O'Connor a broad mandate to examine all relevant matters to ensure the safety of Ontario's water supply system.

In drafting the terms of reference, I have consulted Walkerton residents and the two opposition parties, as well as Justice O'Connor and Chief Justice McMurtry of the Ontario Court of Appeal. My aim has been to see that the commission has a free hand to get to the bottom of this tragedy.

Under the terms of reference, the commission is to inquire into the following areas: first of all, the circumstances which caused hundreds of people to become ill and several to die at a time when E coli bacteria were found in the Walkerton water supply; second, the cause of these events, including the effect, if any, of government policies, procedures and practices; and third, any other relevant matters the commission considers necessary to ensure the safety of Ontario's drinking water.

The terms also authorize the commission to make recommendations to the Attorney General on funding for parties with standing at the inquiry who would not be able to participate without financial assistance. The government will accept and follow these recommendations.

Let me share with the members of the House a statement by the commissioner, Justice O'Connor. He says: "I have reviewed and been consulted with regard to the terms of reference for the inquiry. I am satisfied that they will enable me to carry out a full and thorough inquiry into the causes of what happened at Walkerton—including the effect, if any, of government policies, practices and procedures—and the implications for the safety of drinking water in Ontario, in order to make recommendations to ensure the safety of the water supply system in Ontario."

Justice O'Connor continues, "I am satisfied that I have sufficiently broad powers under the terms of reference and under the Public Inquiries Act to carry out this very wide mandate."

As mentioned, I also consulted Chief Justice McMurtry on the terms. I can assure the members that the Chief Justice is also satisfied that the terms of reference will provide the basis for a full and thorough inquiry.

I know the people of Walkerton and the Ontario public want to know when the inquiry will begin and how long it will last. Justice O'Connor has indicated that within a period of 30 to 60 days he will develop a work plan and a tentative schedule for hearings. He will then be in a position to announce when public hearings will be scheduled.

As I've said before, the victims and their families demand answers, the people of Ontario demand answers, and the government demands answers. The Premier has pledged the government's full co-operation. We all want to get to the bottom of this tragedy. With a distinguished commissioner and broad terms of reference in place, I am confident we have established a process that will get those answers.

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**Mr Dwight Duncan (Windsor-St Clair):** I respond today on behalf of the official opposition to the Attorney General's announcement with respect to the terms of reference for the O'Connor inquiry, which the government has appointed at the urging of my leader, Dalton McGuinty.

First of all, let me begin by saying that the terms of reference contained in the order in council are broad and we welcome the fact that Justice O'Connor has endorsed them and endorsed the way it will unfold in the course of the next months and years. We have just now received the actual order in council and I note that, as is called for, the justice will have discretion over making recommendations with respect to intervener funding, an issue we raised with the Attorney General by letter dated June 7. I note that, as case law indicated to us and as we stressed in our letter to the Attorney General dated June 7, the question of standing at the inquiry will be determined by the justice. We have confidence in the justice's appointment, that he will make what we believe to be the correct decisions on these issues.

We note there's no provision for an interim report. We will publicly ask the justice to give consideration to that, if the government has not asked him to do that. We raised that in earlier correspondence with the Attorney General.

The other question we want to put out publicly now, and the Attorney General has given me his assurance in our meetings to discuss this, is the question of the approved budget that's called for in the order in council. It is our understanding from our discussions with the Attorney General and in response to a letter I sent him subsequent to that, that there will be no restraint put on the budget that's provided to the commission, so that if the budget that's initially approved does not meet the commissioner's needs, he will have the ability to go back and get that budget updated. That budget should not limit in any way, shape or form his ability to conduct a thorough and proper inquiry into what can only be termed one of the greatest tragedies in the history of this province.

I'd also like to put on the record today what the terms of reference do not deal with. The terms of reference of this inquiry ought not to prevent the government from responding to legitimate questions in this Legislature about legitimate matters of public policy. The government cannot and ought not to use that as a shield to prevent itself from answering legitimate questions that are going to be placed by the official opposition with respect to a variety of issues that may be in front of the commission. Yesterday we saw the Minister of the Environment refuse to release the list of towns where there is concern about their water quality, ostensibly because this is under investigation by the commission. That is simply not acceptable to the opposition and you ought not to be using this as some kind of shield.

The government's belated acknowledgement that an inquiry can go on while criminal and civil actions may be ongoing causes us to think about the issue of Ipperwash

and the Dudley George situation, and the response the government has given to not having a public inquiry there. But I stress to the government, if your attempts to get all of the answers to this are legitimate, you cannot hide behind Justice O'Connor from the very real issues that will be raised in this House by the opposition, by the communities affected. Any number of inquiries are going on and we urge you not to use this as a shield. I can tell you, we won't let you get away with that.

There are questions that require urgent responses. There are issues that need to be addressed and dealt with in a full public debate. We believe you have to be held accountable in this Legislature and in the court of public opinion while this is going on.

We welcome the appointment of Justice O'Connor and we trust his judgment and his ability, but we will not allow the government to hide behind this. We will hold you accountable not only for Walkerton but for what we believe to be a myriad of other issues that will be caused because of your reckless legislation and regulation.

**Mr Howard Hampton (Kenora-Rainy River):** I want to respond to the Attorney General and say that earlier on I sent you a long list of things that I believed needed to be dealt with in the terms of reference. While I am pleased with some of the things you've included in the terms of reference, there are other items that are not there that I believe need to be addressed, and addressed forthwith.

For example, if you truly appreciate the tragedy at Walkerton, if you truly appreciate that there are a number of issues that must be dealt with urgently, I believe you have no choice but to require an interim report. You know as well as I that if the commissioner is to delve into all of these matters over the longer term, it may take two, three or four years for a final report. That prospect says to us, and especially to the citizens of Walkerton, that we need to have an interim report and that part of the terms of reference should be a clause which says, "An interim report dealing with the most pressing issues must be provided within 12 months." The fact that you have not done this is worrisome for me and I'm sure is worrisome for a number of people.

As well, instead of saying directly to the people of Walkerton, who have already told you that they want status and want intervener funding so they can present their case, you've said to them that they will now have to go and argue for it, that they will somehow have to line up at the council table and make a request. It seems to me, Attorney General, that justice demands that the citizens of Walkerton have not just your assurance but your commitment that they will be heard, that they will have legal status and that they will have intervener funding. To do less than that, to say to them now, "If you want status and you want intervener funding, go and try to argue your case," is to me a denial of basic justice in the circumstances.

I also want to say to you that the fact you have not granted legal status to the people of Walkerton, the fact you have not granted, within the terms of reference,

assurance of intervener funding, the fact you have not set out that there needs to be an interim report within, say, 12 months, makes all of us concerned that the objective here is to stickhandle these issues off into the hands of a commissioner of inquiry and leave them there for some extended period of time. I didn't want to be faced with that prospect, but the fact you've left these two critical issues out very much leads one to think in that direction. I say to you that is very problematic in the circumstances we face.

Attorney General, I want to tell you that even as you've presented these terms of reference here today, community after community across this province is receiving boil-water advisories from their medical officer of health. Today the communities of Cochenour, Balmer-town, Madsen and Mackenzie Island, communities in my constituency, otherwise known as Red Lake, received a boil-water advisory from the medical officer of health. I say this to put you on notice. If your government believes that by setting up the commission of inquiry now you can escape answering questions about why so many communities are receiving boil-water advisories, why so many communities are being told by their medical officer of health, "There are public health problems here," you will not escape that.

There are too many communities in this province that have problems with the quality of their water and the quality of their water treatment systems. We're going to ask you and the Minister of the Environment on a daily basis, and I would say the Minister of Health as well, why this problem seems to be occurring and recurring in so many communities across the province.

I just want to conclude by saying that while we finally welcome terms of reference almost one month after this tragedy happened, the terms of reference as they are stated do not meet the requirements of the citizens of Walkerton and, finally, do not meet the requirements of ensuring that we will get to the bottom of this matter in a speedy way, because it lacks an interim report.

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## ORAL QUESTIONS

### MINISTRY OF THE ENVIRONMENT

**Mr James J. Bradley (St Catharines):** My question is for the Minister of the Environment. Minister, even in the wake of Walkerton you are cutting and slashing environmental protection. In the spending estimates released yesterday by your ministry—we had to pry them out of them late yesterday and they're being considered tomorrow—there's a 77% cut in water and sewage infrastructure. Two weeks after people died because of contaminated water, you're planning to cut what we spend on keeping drinking water safe. Your capital budget for water and sewage infrastructure will be cut from \$225 million to \$53 million, and that drops to zero next year. Minister, how can you possibly cut drinking



water protection after drinking water killed people in Walkerton?

**Hon Dan Newman (Minister of the Environment):** The figures that the member opposite refers to refer to the provincial water protection fund. This is a \$200-million fund that was spread out over three years. What actually happened was that money was accelerated and given to municipalities, so that instead of three years, that money was put out over two years, because we recognized that it was a priority, and continues to be a priority, for this government. The \$200 million went to the municipalities. They have updated many water projects in the province, as well as many other sewage projects.

**Mr Bradley:** The fact is that you've cut it and so there's none left for next year and only \$53 million this year. What we've heard in this House is that people who build sewers were told that sewage and water isn't a priority for SuperBuild money. These numbers come from your own spending estimates, just released. You'll have to defend them this afternoon and tomorrow and next week in committee, although I don't know how you can possibly do that.

Our water and sewer infrastructure is crumbling. It's the best defence we have against poisons in our drinking water and you're cutting it by 77%. Minister, seven people, perhaps as many as 11 people, died in Walkerton. Didn't that tell you and your government something?

**Hon Mr Newman:** As I've indicated, that money was accelerated to municipalities. We could have kept the money over a three-year period, but we decided to make that money available over a two-year period. Had we not done that, the member opposite would not be raising the question that he is. What we decided to do was accelerate that money to those municipalities that were part of the program, because water and sewage projects are indeed a priority for our government.

**Mr Bradley:** Minister, it's not just that you're cutting drinking water protection; you're planning to force municipalities to cut drinking water protection too. We learned today that your government is planning to tell every city and town in Ontario, "Cut what you spend on drinking water protection or we'll hand your water and sewers over to private companies who are willing to do things on the cheap." According to cabinet documents obtained by the media, you're going to tell municipalities that they have to prove to you that water services delivered by them are "better value than privatized services." Let me put that in plain English: You're telling them to cut more.

It's all about money for you people, isn't it? Seven people are dead—maybe 11 died—and it's still all about money. Minister, didn't you and your government learn anything from Walkerton?

**Hon Mr Newman:** As the Minister of the Environment, I have a responsibility to stand up to protect the environment of this province. That also means standing up to protect water quality in this province. It also includes protecting the air that we breathe and it also means protecting the land of our province. It's something

that we take very seriously as a government and something that I take very seriously as the minister.

With respect to what the member opposite has said, nothing could be further from the truth.

**The Speaker (Hon Gary Carr):** New question, member for St Catharines.

**Mr Bradley:** Minister, according to a cabinet document, 571 municipal governments will have to prove to you that services by them are, as I quote again, "a better value." That means you're telling them that the only bottom line is cost. What about the cost to human safety? What about the cost of human lives?

This is the way your government does things: starve public services, watch them crumble and then give them away to your business buddies; download on to municipalities, then cut water and sewer spending by 77%, damn the consequences, and then privatize.

Minister, now that people have died, will you stop this dangerous scheme?

**Hon Mr Newman:** I refer the question to the Minister of Municipal Affairs and Housing.

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** I'd be happy to answer the question on behalf of the government.

One of the reasons why we believe we should be the government is because the people demand better quality services at less cost to the taxpayer. That is one of the reasons why they voted for the Common Sense Revolution. It's one of the things we as a province should be doing on an ongoing basis, every municipality should be doing on an ongoing basis and indeed the federal government should also be doing on an ongoing basis.

On this side of the House, despite the spin of the opposition, we are of the view that better quality services for less is one of the reasons why we are in government and we're going to continue down that path to work with our municipal partners to get to those solutions.

**Mr Bradley:** There's no spin about the fact that seven people have died in Walkerton. That is one of the problems, when I talked about right-wing ideologues. I want to go back to the Minister of the Environment.

Minister, if we've learned anything in the past month, it's the importance of accountability. The ultimate responsibility for protecting our drinking water rests with your government. The buck stops with you even if you try to pass the buck to the NDP or to human error or to municipalities.

Now you want to pass the buck yet again to the private sector and wash your hands of any responsibility for protecting our drinking water. You should know by now that this ideological bent you people are on is dangerous. It has serious consequences for real people. A \$200 cheque doesn't mean a darned thing to a mother who has lost a child or to a child who has lost a grandparent.

Minister, you can't support this scheme and protect the environment. Will you tell this Legislature and the people of Ontario clearly and unequivocally that you oppose the budget cuts and you oppose the privatization of our drinking water system?

**Hon Mr Newman:** No one is passing the buck; we're taking responsibility for the environment.

I think it's important to look back at where we were in this province five years ago. We had an annual deficit of \$11.2 billion. We saw jobs leaving our province. That has all turned around and I can tell you that with respect to infrastructure funding there's money in the Ontario SuperBuild Corp for infrastructure, and that would include water and sewer projects.

**Mr Bradley:** As Minister of the Environment you have a special responsibility and obviously that responsibility is to protect the environment. What the right-wing ideologues in the Premier's office and the cabinet are doing is drastically cutting the budget for the Ministry of the Environment and for water and sewer facilities in Ontario, and forcing municipalities to ultimately turn their water and sewer plants over to the private interests where the main preoccupation is to make a profit. What they are doing will place the safety of drinking water at even greater risk.

A month ago you would have had no clout or ammunition with which to confront the Premier and his right-wing advisers. But the Premier has been severely damaged by the events of the past few weeks and he can no longer run roughshod over those who oppose his agenda, even those in the cabinet.

With seven people in Walkerton dead, with drinking water in our province at risk, will you tell the Premier that he must abandon these damaging budget cuts and his insistence on privatizing our water and sewer system in Ontario? If he won't, will you submit your resignation in protest?

**Hon Mr Newman:** The member opposite is absolutely correct that I do take my job and responsibilities as Minister of the Environment very seriously. My job is to ensure that the environment in this province is protected. That means not only the water in our province, but also the air that we breathe and the land. That's my responsibility as minister and that's what I intend to do.

1430

## WATER QUALITY

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of the Environment. Minister, about four years ago you laid off 339 people in the investigations and enforcement branch of the Ministry of the Environment. At the same time, you privatized all of the testing of water across the province. We know that in Walkerton water testing was one of the problems. Privatized labs were not under any legal requirement to report to the medical officer of health. There weren't enough staff in your ministry to ensure that reports that came to the ministry were in fact communicated to the medical officer of health. Can you tell us, please, in your latest proposal how privatizing more of the water system and laying off more of the people who are in charge of water quality and water testing at the municipal level are going

to better protect the quality of water for Ontario communities?

**Hon Dan Newman (Minister of the Environment):** With respect to the testing of water in this province, I can tell the member opposite that in 1993 the government brought forward the idea of charging municipalities for water testing in the province, gave them the option, gave them the ability, instead of paying the Ministry of the Environment for those tests, to go to a private lab. In 1996, what our government did was to allow it all to go to private labs because 50% of all testing in the province was not being done in the Ministry of the Environment labs.

I'd want to caution the member opposite not to reach any conclusions or to jump to any conclusions. He seems to have arrived at his own conclusions, but I remind him that there are four investigations underway, including the inquiry. I just remind him that there has been absolutely no change with respect to the numbers of investigators within the Ministry of the Environment.

**Mr Hampton:** You can repeat that line all you want. Your own internal government documents show that in 1995 there were 890 people in the enforcement and inspection branch, and by 1998 there were only 651. The hypocrisy of this is clear to everyone. You say that your government is interested in having an inquiry to get to the bottom of what happened at Walkerton and to ensure that the water quality and safety are protected. In the meantime, behind closed doors you've got a proposal to force even more privatization of the water supply and to force municipalities to lay off people they have working for them who are supposed to be there to protect the water supply. Can you tell us, please, which is your government's true agenda: to get to the bottom of this and make sure it doesn't happen, or to use the public inquiry as a smokescreen while you carry out the other half of your business, which is going to put the water supply at risk?

**Hon Mr Newman:** I refer that question to the Minister of Municipal Affairs and Housing.

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** The honourable member asked what our agenda is. Our agenda is to protect the people of Ontario, to constantly look at everything we do in this government and everything that is done with our municipal partners to ensure the delivery of best quality services at an accountable cost to the taxpayers. That is a process that will not be stopped by his haranguing, will not be stopped by the opposition. That is what the people of Ontario demand of us, and if we so much as retreat one millimetre from the job of protecting the taxpayers, protecting the citizens through better quality services, we don't deserve to sit on this side of the House. We are moving forward on behalf of the people of Ontario. That is why they elected us.

**Mr Hampton:** I have to say to the Minister of the Environment, your job is to protect the environment of this province and it includes the quality of the drinking water for people. What you're putting forward in your



cabinet proposal is nothing less than what Margaret Thatcher in Britain put forward. It resulted, yes, in 50% profit levels for corporations. It resulted, yes, in the layoff of thousands of people who were supposed to be there to protect the water supply, but it also resulted in the British medical society on an annual basis sending a letter to those Conservative governments and telling them that what they'd done in privatizing water was creating a major public health problem for the population across Great Britain. Is that what you're up to? Is that what you call protecting the water supply: turning it over to your private utilities and laying off more of the inspectors? This is utter contempt. What's the real agenda here? Come clean.

**Hon Mr Clement:** Perhaps the honourable member would be interested in knowing that there are already private company operators operating water plants in Ontario. Perhaps they were around when his government was in power because this is something that has been occurring in the province for a good deal of time. Nothing could be further from the truth than the rhetoric on the opposite side. Our position is simple and straightforward with the people of Ontario: We are always looking for ways to deliver better quality services at an accountable cost to the taxpayers.

It's not only a duty incumbent upon us; it's a duty incumbent upon every single transfer partner we have. We will not shrink from that duty and responsibility to the people of Ontario because, you're right, they deserve higher quality services. That means not accepting the status quo, not defending the status quo, but always moving forward with better ideas for health, for safety, for the delivery of the services the citizens of Ontario expect. We do not shy away from that responsibility; indeed we take it upon us proudly.

**The Speaker (Hon Gary Carr):** New question, the member for Broadview-Greenwood.

**Ms Marilyn Churley (Broadview-Greenwood):** I would say to the Minister of Municipal Affairs, tell that to the people in Walkerton.

#### MINISTRY OF THE ENVIRONMENT

**Ms Marilyn Churley (Broadview-Greenwood):** To the Minister of the Environment: Yesterday we asked you about documents in which your staff warned that your cuts meant reduced services. Today we heard your colleague the previous Minister of the Environment speak about your failure to initiate more than a single prosecution for 3,300 violations of industrial and municipal discharges, including the Walkerton plant. We've pointed this out to you before in the House, with no satisfactory answer. Then, that minister was quoted as saying the ministry would hire more inspectors. When asked about progress on this, he said, "Dan's working on it."

Minister, it has been three years since you were warned about the effects of the cuts. Now your colleague says you're working on it. Are you going to keep ducking the truth here?

#### **Hon Dan Newman (Minister of the Environment):**

No one is ducking the truth. I want to say to the member opposite that we take waste water discharges in this province very seriously, whether it's from an industrial source or a municipal source, from a sewage treatment plant. There are many exceedances that have taken place. There are various reasons why. We take it very seriously. It's something the government wants to work towards.

**Ms Churley:** Minister, nobody is taking you seriously. You have to do better than that. As you know, the Walkerton sewage plant is a repeat violator for discharge standards in 1998, 1997, 1996 and 1995. Now that plant has another problem: The sewage holding tank is almost full, because farmers won't take the sludge because it contains the deadly E coli 0157. A Ministry of the Environment spokesperson, the same one we spoke to yesterday who said they didn't have enough staff to go to Rocklyn, was asked what will happen with this holding tank now that it is full and there's nowhere to put the sludge. He said, "We don't know."

People in Walkerton have been calling us about this. They are frightened. Yesterday we had to go to the Premier to get your staff to Rocklyn. He's not here today so I'm asking you, Minister, what action are you going to take before there is more contamination in Walkerton? I want an answer today.

**Hon Mr Newman:** First, with respect to waste water discharge, I want to bring to the attention of everyone a June 9 Toronto Star article. There was an executive jailed for a waste spill. It says, "The operations manager of a waterfront oil recycling company was jailed yesterday for 90 days after admitting the company spilled hazardous chemical waste into Toronto harbour." So action is indeed taking place.

With respect to what the member opposite speaks about, I would be pleased to look into it and get back to her.

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#### WATER QUALITY

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I have a question to the Minister of the Environment. I have in my hand two auditors' reports, from 1996 and 1998. The Ontario auditor, in the fall of 1996, raised some very real concerns about the state of Ontario's water policy. At that time your ministry said that you were developing a strategy to deal with these concerns.

Two years later, the auditor for Ontario again raised his concern, more serious this time than two years before, about what is and is not happening to protect the public from contaminated water. Your department said in the fall, in responding to the 1998 Ontario auditor's report, "We, the Ontario Ministry of the Environment, have yet to finalize a comprehensive groundwater strategy." That was the fall of 1998.

Minister, two auditor's reports within the last four years raised serious concerns about water quality. In

1998, after the second warning from the Provincial Auditor, your predecessor said, "We are developing a comprehensive groundwater strategy." Did you ever finalize that groundwater strategy in response to the auditor's concerns? If so, will you table that groundwater strategy spoken of in the 1998 Provincial Auditor's report, complete with any implementation policy that went with that so-called comprehensive strategy?

**Hon Dan Newman (Minister of the Environment):**

This year's budget contains money for a groundwater monitoring network. What's important first is that you obviously have to monitor the water to see what you have in the groundwater system in Ontario. That's why \$6 million is being spent over three years—\$3.6 million this year—in the groundwater monitoring strategy. There are some 350 electronic monitoring devices being put towards the 36 conservation authorities in Ontario to enable them to monitor the groundwater. Obviously you have to know what's there first to go forward with a strategy.

**Mr Conway:** I'm sorry, that's not nearly good enough. My concern is not what you did after the tragedy at Walkerton in May-June of 2000. We had not one but two auditor's reports raising real concern, on top of what the Environmental Commissioner said. In the fall of 1998, your department said you were in the process of finalizing a comprehensive groundwater strategy to deal with the auditor's concerns.

I have to assume, as an honourable member, as we all do, that you were telling the auditor the truth, and that sometime shortly after the second report was tabled in this Legislature in the fall of 1998 there was a comprehensive groundwater strategy from your department. What I want to know now is: Will you today table in this Legislature and show the people of Ontario precisely what was in the groundwater strategy and what implementation strategy was to go with it 18 months ago when, for the second time in two years, the Provincial Auditor raised very serious concerns about the public not being fully protected from contaminated water in this province?

**Hon Mr Newman:** Again, in the budget of May 2 of this year, there was money for the groundwater monitoring network: \$3.6 million this year and 350 electronic monitoring sites throughout the province. The groundwater will be monitored, and I can tell you that's being done. It's \$6 million over three years. With respect to any other information, I'd be pleased to make it available

#### EATING DISORDERS

**Mrs Brenda Elliott (Guelph-Wellington):** My question is for the Minister of Health. Many Ontarians, in particular young girls and women, suffer from eating disorders. The physical impact of these conditions can be debilitating not only for the individuals involved but can have serious impacts on the lives of the sufferers and their families.

I know the treatment of this illness is very specialized. In my own riding, Homewood Health Centre is a leader

in the treatment of eating disorders. People come from not only across Ontario but across the continent to receive care from their expert physicians.

I also know that the number of people suffering from eating disorders is growing. Could you please provide members of the House with an update of what the government is doing to help those who are struggling to overcome eating disorders?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** The issue of eating disorders is very serious. We've had an opportunity to meet with parents, health care providers and individuals who suffer from eating disorders, and we have heard the concerns that have been expressed. We've also heard from the Chief Coroner and the family physicians. As you know, we announced in our budget this year that we were prepared to spend an additional \$7 million, which will mean that funding for the eating disorder program will have increased from \$1.5 million in 1995 to \$10.8 million in 2000. The \$7 million that has been set aside to help people who are struggling with eating disorders is a considerable increase.

**Mrs Elliott:** That is a remarkable increase in this portfolio. I too have heard from residents and families in my riding who are quite concerned about this. Can you give us specifics on exactly how that \$7 million from this budget announcement will be spent?

**Hon Mrs Witmer:** The staff at the Ministry of Health are presently finalizing an implementation strategy to ensure that all regions in the province benefit from the expansion of services. I know there is a need for expanded services in the east, and the member opposite has indicated the need for services in the north. We want to make sure the allocations are made fairly, in response to the needs of those individuals, and I can assure the member for Guelph-Wellington that I will very soon be announcing the regional allocations of the \$7 million.

#### WATER QUALITY

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** My question is to the Minister of the Environment. I took the minister's last response to me to be that there was in fact a comprehensive groundwater strategy.

*Interjections.*

**Mr Conway:** Listen, people are dead, and the reason I'm raising these questions is, what we have got from 1996 to May 2000? We had the auditor raising a concern in 1996. We had the Environmental Commissioner raising a serious concern. We had the auditor back raising yet more concerns in 1998. In January 2000, we had senior officials in the Ontario Ministry of the Environment raising their own alarms. And we're told and asked to believe that people with names like Clement and Newman hadn't even seen the internal documents from January 2000 until they were reported in the press weeks later, after the Walkerton tragedy. This is all about what you did when independent third parties like the Prov-



incial Auditor were saying, "There's trouble here," as he said in 1996 and 1998.

What I want to know is, and I want to be clear: Was there or was there not, as you told the auditor in 1998, a comprehensive groundwater strategy developed to protect the public health against the concerns the auditor raised, not once but twice? Did that strategy ever exist, what was it and, more particularly, was it ever communicated and implemented across the province?

**Hon Dan Newman (Minister of the Environment):** We in the Ministry of the Environment are working with the Ministry of Natural Resources, the Ministry of Agriculture, Food and Rural Affairs, the Ministry of Municipal Affairs and Housing, as well as the Ministry of Economic Development and Trade, on groundwater issues to ensure that groundwater is indeed protected and conserved. What is important to note also is that the provincial water protection fund also included \$4.3 million that went to 88 municipalities to conduct 34 studies on groundwater in the province. That's what was done. We also have the additional money in this year's budget with the groundwater monitoring network to protect the water in this province.

1450

**Mr Conway:** The water of the province was in jeopardy, according to the auditor, and I am particularly interested about what happened from that first auditor's report in 1996 through till about April 2000. The inquiry is going to tell us a lot about what happened in the course of the Walkerton tragedy, but you see, Minister, for me the question is about trust. There are millions of Ontarians who are worried about whether or not they should be drinking their water. They want to believe that their provincial government is going to protect their public health, particularly when authoritative third parties like auditors raise alarm bells.

I guess the question I have to leave with now is, it doesn't appear that anything was done to respond to the auditor. You shake your head. You've got one more chance to tell me, specifically between the fall of 1998 and about March or April 2000, what specific strategy did you develop, consistent with your promise to the auditor, to deal with the concerns the auditor raised, and why should the people of Ontario today trust you and your government to protect them against these kinds of environmental concerns when there is altogether too much evidence that from 1996 through to the year 2000 you did not respond to serious authoritative alarm bells rung by people like the Provincial Auditor?

**Hon Mr Newman:** Again, there was money from the provincial water protection fund, some \$4.3 million, that went to fund 34 studies affecting 88 municipalities to look at the groundwater issue in the province. In addition to that, in this year's budget there is the \$6-million announcement of a groundwater monitoring network, with \$3.6 million in the budget this year that will provide some 350 electronic monitoring devices throughout the province to monitor groundwater in the 36 watersheds.

## HIGHWAY IMPROVEMENT

**Mr Brad Clark (Stoney Creek):** My question is for the Minister of Transportation. A great number of my constituents are among the thousands of people who use the highways every weekday to commute to and from work somewhere in and around the GTA. Traffic congestion is an issue that more and more people are becoming concerned about in my community.

Using my community as an example, from Stoney Creek to downtown Toronto, a distance of only 75 kilometres, travel times are now reaching upwards of two and a half hours during peak periods. I can attest to that; I travel it myself daily.

Taxpayers and businesses are not only concerned about but affected by increasing congestion, as traffic jams often equate to increased travel costs and heightened incidents of road rage. What can you tell us that the Ministry of Transportation is doing to address these concerns?

**Hon David Turnbull (Minister of Transportation):** I thank my colleague for this important question. Our government is investing \$50 million in improvements on the QEW from Hamilton to Toronto, and they are currently underway. We're adding additional lanes and upgrading intersections.

Two weeks ago I announced Highway 6 New. This will be a \$33-million investment which will construct a nine-kilometre link between Highway 403 and old Highway 6 to improve access to John C. Munro International Airport. Red Hill Creek Expressway is one to which we have committed \$131.5 million and we're working with Hamilton-Wentworth—\$200 million in the GTA highway improvements over this next year. Additionally, the 407 west extension will be completed July 31, 2001, at no cost to the taxpayer.

Our plan will reduce bottlenecks and improve traffic flow and expand and improve infrastructure in the GTA. We're proud of the first \$1-billion highway capital budget—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up. Supplementary.

**Mr Clark:** No doubt, highway construction is necessary to improve the flow of traffic. However, construction itself can become a source of congestion.

To use just one example, evening commuters along the QEW in Niagara would have experienced construction-related congestion as they approached Stoney Creek over the last two weeks. Minister, can you tell us what action your ministry is taking to mitigate the frustrating impacts of highway construction and ease traffic congestion for commuters in the GTA?

**Hon Mr Turnbull:** We're applying new, innovative techniques and technology. There will be no daytime lane closures on either the 401 or the QEW, and we're expanding the COMPASS camera coverage right through Burlington. There will be special message signs signalling construction information, and we're applying movable concrete barriers—the so-called Zipper—on the

401. But we do ask drivers to be patient and drive with care when they are going through construction zones. We're working to minimize the effects of highway construction.

#### NORTHERN HEALTH TRAVEL GRANT

**Ms Shelley Martel (Nickel Belt):** I have a question for the Minister of Health. Last Friday I attended a meeting of Cancer Care Ontario's northeast committee, and the matter of your government's discrimination against northern cancer patients was front and centre as a concern of the members.

The most vocal critic of your government's policy was board member Alex McCauley, who is chief of the Sudbury regional police force. He said the following about your discrimination:

"I have never seen anything so wrong. Fixing the northern health travel grant issue is an easy fix—just make it equitable. If the Harris government can't acknowledge this basic right of northerners, there is no point to stay on as a board member. Board members deserve to know where the government is taking this issue—if it's not going forward, I'll resign. If there is no resolution of this northern health travel grant issue, every board member must step down."

Minister, Chief McCauley wants to know, when is your government going to end its discrimination against northern cancer patients?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** There is no discrimination. There are two travel grant programs. One is the northern health travel grant, which is available for all Ontarians who live in northern Ontario, and it is available only to those who travel distances. It's not available to people in the south. There is another program available that has been established by Cancer Care Ontario which pays for travel for patients who are re-referred for radiation treatment, and any cancer patient in the province of Ontario is eligible for this grant, whether they live in the north, the south, the east or the west.

I wish the member would recognize that there are two programs. They are designed to meet two different purposes and they are designed to meet two different needs. In fact, if we want to talk about the northern health travel grant, the program we have today is the same as the one we had with the Liberals. It was the NDP who actually tightened the criteria, and I just wonder why she didn't make the change.

**Ms Martel:** Minister, don't insult Chief McCauley by trying to intimate he doesn't understand the issue. He's been a board member for a long time now. He understands cancer issues and he takes them very seriously. He knows that he is part of a board that made a decision 14 months ago to send cancer patients to the United States and to the north to get timely treatment. He knows he is part of a board that made a recommendation to you to pay 100% of the cost for travel, food and accommodation for those patients who have to travel far from home so

they wouldn't face the financial burden. He also clearly understands, Minister—and it seems you don't—that every single day in northern Ontario, people travel far from home to get treatment in Sudbury and Thunder Bay, and they have to travel even farther, leave the north altogether, to get cancer treatment in Toronto or in Ottawa. He knows that for the last 14 months your government has practised blatant discrimination against cancer patients because northern cancer patients can only get a fraction of their costs covered.

Chief McCauley and the board of the Cancer Care Ontario northeast committee want to know, when are you going to end this discrimination? When are you going to provide equitable treatment for northern cancer patients too?

**Hon Mrs Witmer:** Again, the member is not recognizing we have two programs that are designed to meet two different purposes and two different needs. Also, the member needs to know that we do take the needs of cancer patients very seriously. We have added approximately \$155 million to our cancer budget in this province. I also would like the member to know that in a letter from Ken Shumak, the CEO of Cancer Care Ontario, he certainly supports the re-referral policy. They will continue to support improved access for all cancer patients in Ontario and, as we have said, we are supporting Cancer Care Ontario in the re-referral program. We support the northern health travel grant. In fact, we are one of only four provinces in Canada that provide any funding for northern travel.

1500

#### WATER QUALITY

**Mr John Gerretsen (Kingston and the Islands):** My question is to the Minister of the Environment. We've already heard today that you have completely ignored the recommendations from the Provincial Auditor in both his 1996 and 1998 reports, but it goes further than that. Let me read to you something from the 1996 and 1997 standing committee on public accounts, whose report was unanimously passed by the committee and unanimously adopted by this House. It reads as follows:

"The Provincial Auditor recommended that the ministry develop a more proactive and systematic approach in order to better manage and monitor groundwater quantity and quality. Such an approach should include the updating of the water well information system and the aquifer maps to enable better assessment of current groundwater use in the province and for timely remedial action."

The committee specifically recommended and this House unanimously adopted the following resolution: "The ministry report to the committee by August 1998 on its progress in protecting groundwater quantity and quality."

Minister, why did you not report by August 1998? Why have you not reported to this date? You have done absolutely nothing. Give us the plan, if you have the plan.



**Hon Dan Newman (Minister of the Environment):** First, as to the beginning of the question from the member opposite, it's not what I said. He's putting words in my mouth and he knows that.

What we did with the provincial water protection fund was there were 34 studies funded in 88 municipalities, which totalled some \$4.3 million. That's part of the study. That's how you build a strategy, by doing some studying. Also, this year in the budget there is \$3.6 million towards a groundwater monitoring network in the province; 350 electronic devices that will monitor groundwater through the 36 watersheds in our province.

**Mr Gerretsen:** I didn't say you said anything. This was the report from the committee and it was adopted by this House. It states quite specifically, "The ministry report to the committee by August 1998 on its progress in protecting groundwater quantity and quality." You and your ministry haven't done that. Why haven't you done that? Is it because there is absolutely no plan? Why are you in contempt of this Legislature? It unanimously adopted this report.

**Interjection:** Where is the plan?

**Mr Gerretsen:** Where is the plan? The committee and the Legislature have asked for a plan. Where is your plan that you should have filed by August 1998?

**Hon Mr Newman:** I know this is the fourth time I have to give this answer but I've got to give it because the member opposite obviously is not listening to it and doesn't understand the issue. Quite simply, the provincial water protection fund provided \$4.3 million to study groundwater, to fund 34 studies that affected 88 municipalities. This last budget in May of this year also included \$3.6 million this year, \$6 million over three years, to fund the groundwater monitoring network, which includes 350 electronic devices in our province that will monitor groundwater.

### CAMPING

**Mrs Julia Munro (York North):** My question is for the Minister of Natural Resources. In my riding of York North is one of the province's most popular provincial parks, Sibbald Point. I know there have been many changes made to our parks to ensure a successful camping experience for Ontario families. Minister, what can park visitors expect this summer?

**Hon John Snobelen (Minister of Natural Resources):** I want to thank the member from York North for the excellent question. It's a matter on the minds of many people across Ontario. As many folks in this chamber understand, we have some of the best and most beautiful camping experiences anywhere in the world right here in Ontario. Ontario parks offer the highest levels of facilities of any park system in Canada or the United States. In fact, something that's surprising to many people is the size of our park system.

**Hon Chris Stockwell (Minister of Labour):** How big are they?

**Hon Mr Snobelen:** Thank you for asking. Ontario's park system is bigger than the total of all 50 states' parks systems put together.

This year, in addition to the beauty and splendour of our parks, we're offering a variety of activities for our visitors. Folklore, which is common in this chamber, and fiddle music will fill Ontario's great outdoors as the Canoe Rendezvous 2000 makes its way through some 24 parks.

In addition, at Algonquin Park, the Algonquin Park Gallery will once again present the works of Tom Thomson and the Group of Seven and 40 of the world's most famous wildlife artists.

Sit down, Mr Speaker, there's more to come.

Last year, there were 9.5 million visitors. We'll have more of them—

**The Speaker (Hon Gary Carr):** Supplementary.

**Mrs Munro:** Thank you, Minister, for that enlightening and entertaining answer. It is certainly gratifying to know about the growing popularity of camping in Ontario parks, given this government's commitment to an enhanced park system.

How have we also increased the ability of people to access our parks through a reservation system?

**Hon Mr Snobelen:** Again, I thank the member. She points to something of obvious importance to us: services to all the visitors to Ontario parks. Last year we took in 275,000 reservations and we're on track this year at 125,000 to exceed that.

The ways you can make a reservation are, obviously, at the park; you can make a reservation by calling our toll-free number—and I'll say this slowly so the members opposite can write it down—1-888-ONT-PARK; and the member asked about the Web. We have a Web service, [www.ontarioparks.com](http://www.ontarioparks.com). On that you can virtually visit the parks. You can pick out very particular campsites that you might want for yourself or your family. It's a wonderful service. It exceeds anything available anywhere else in the world and we're darned proud of it.

### WATER QUALITY

**Mr Steve Peters (Elgin-Middlesex-London):** My question is for the Minister of Agriculture. Minister, a previously unpublished report prepared under the now-defunct Clean Up Rural Beaches program which has been recently released, found dangerously high E coli counts in both the Kettle Creek and Catfish Creek watersheds, parts of both of our ridings. In fact, one count had 4.8 million parts E coli, where 100 parts are acceptable. This is an area where children play and it's used for recreational purposes.

The CURB program would have provided funds to make improvements to such things as manure facilities, but it was cancelled by your ministry in 1996. Kim Smale, the general manager of the Catfish Creek Conservation Authority, said there is no program for water testing currently underway within the watershed.

Minister, there seems to be no one ministry responsible for the coordinated management of ground and surface water. There is no program in place to sufficiently meet the needs of rural communities. What are you doing to make sure that there is a comprehensive water testing program in place for rural creeks and that the tools and the assistance required are provided to those who need to make improvements?

**Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs):** I'd like to thank the member opposite for the question and I would like to assure him that we too have concerns about the quality of the surface water in rural Ontario. That's why part of the healthy futures program is designed to do just that—to make sure we have the type of programming to do the best we can to make sure that as small an amount of runoff as possible will reach the rural streams and the rural surface water to cause contamination. That's why we're working together with the conservation authorities, municipalities or anyone else who would put together a proposal that we could jointly instigate to make sure we have the best possible water quality program we can build in rural Ontario.

**Mr Peters:** Minister, your much-touted healthy futures program supposedly has high water quality as one of its targets, but the agribusiness approach inherent in the healthy futures program places severe limitations on eligibility. Only six applications have been approved after more than a year in the program. Minister, I remind you that individual farmers are simply not eligible.

In my community, beach postings in the past have had a direct economic impact on tourism. In fact, as we speak, the Kettle Creek Conservation Authority has issued a flood warning. The E coli upstream will be sent downstream to Lake Erie, most likely resulting in further beach postings.

1510

It would appear that there's no one—not your ministry, not the Ministry of the Environment, not the Ministry of Natural Resources—that will take any responsibility for province-wide monitoring, evaluation and maintenance of rural creeks and streams. Minister, you're responsible for rural affairs. Again, what are you going to do to ensure that there is cohesive action taking place across the province to end the contamination of our rural waterways?

**Hon Mr Hardeman:** I want to assure the member opposite that he is correct, that at the present time we have not had approvals of major projects that deal with a large watershed. We have some applications the panel from the conservation authorities is looking at that deal with exactly the issue the member brought forward. We will be considering that.

The panel will be reviewing those to make sure they meet the water quality initiatives the healthy futures program is designed to address. As expeditiously as possible we will address those applications and make sure the people of Ontario and the people of rural Ontario benefit from the \$90 million we have invested in the

healthy futures program to achieve that water quality, the safety of our food and the opening of new markets for our agri-food products.

## MINISTRY OF TOURISM

**Mr John O'Toole (Durham):** My question is to the Minister of Tourism. You would probably know of the annual Highlands of Durham Games. I certainly want to invite you to those games from July 20 to 23 in Port Perry and Uxbridge in my riding of Durham. I might also say these games are being held in Minister Ecker's riding of Pickering-Ajax-Uxbridge.

Many volunteer organizers have worked very hard to bring these rich cultural events to Durham. Stu Bennett and his volunteer committee must be thanked, along with Mayor Doug Moffatt, Mayor Gerri-Lynn O'Connor, Mayor Keith Shier and Regional Chair Roger Anderson. Of course the federal member is somewhat missing from this wish list, although there is a letter in support from the federal member. He's not really directly involved in this event. Perhaps you could tell us about the exciting tourism promotions you're working on this summer, not just in Durham but in Ontario.

**Hon Cameron Jackson (Minister of Tourism):** I'd like to thank the member for Durham for his question. I know he's been a strong advocate and supporter of the highland games. Ontario boasts over 400 major festivals and events this summer and fall. It's why the government has made such a strong commitment to tourism marketing and promotion in our province.

I received an application from the Highlands of Durham Games with not only the provincial member's letter of support but also an interesting letter from the federal member, who apparently is unaware there is a federal fund he could have applied to. We're going to make sure he's aware that the federal government has some modest dollars for tourism marketing but certainly nothing to compare with the commitment being made.

The member will be advising his community that we've confirmed our support for marketing. As I say, it's of great concern to us that Ontario is not getting its fair share of federal festival dollars. We're not complaining as much as we're ensuring that festival gets support from this provincial government. The federal government obviously should be looking at these festivals to provide support.

**Mr O'Toole:** I can assure you that I believe the tourism story is a success under your leadership. I can see it with your commitment in my own riding of \$15,000 to the Highlands of Durham Games. I thank you, along with the committee members, for that. You could tell us more perhaps about the \$50-million-plus that you've added to the Ministry of Tourism budget. Is this in any way matched by the federal government, or are you just doing it on your own?

**Hon Mr Jackson:** The member has raised a very important question. I think the members of the House should be aware of this. There's a recent article in the



paper, in the Toronto media, that indicates the federal Minister of Public Works, Mr Alfonso Gagliano, has a major fund of about \$70 million, of which 70% to 72% goes just to the province of Quebec, and Ontario is only receiving about 7% or 8% of those funds.

That's why the member has raised a concern that his federal Liberal member in his riding has seen fit to write the government of Ontario for support. Apparently they may have given up on the federal government for support for festivals and developments. This is an opportunity for all members of the House. The Liberal tourism critic would be especially well advised to advise his counterparts, his cousins in Ottawa, that for the \$60 billion we send in Ontario taxes to Ottawa, we should get back our fair share. That is appropriate. It's important to tourism in this province, and it's a principle of fairness as well.

### CAMPING

**Mr Gilles Bisson (Timmins-James Bay):** My question is to the Minister of Natural Resources. I was really interested to listen to your answer a few minutes ago when you promoted the use of provincial parks in this province, parks that I think are wonderful and that we should be trying to promote. In light of the comments you made in the House just now, is that in any way related to the practice of the Ministry of Natural Resources in northern Ontario, who now are going around with the policy that you're not allowed to park on crown land for more than 21 days total or you'll be evicted? I'm just wondering if this is a strategy your government is taking to push people off crown land and into provincial parks or private, for-profit campgrounds?

**Hon John Snobelen (Minister of Natural Resources):** I'm glad the member opposite raises this issue today, because it is obviously an issue of importance not just to the people of northern Ontario but to people who visit the north from southern Ontario and other jurisdictions around the world. Yes, there is a limit, and has been for some time, on how long one can occupy a particular part of crown land. The member opposite will understand there's a distinction between owning a piece of property and enjoying a piece of property that's owned by the public. In Ontario, that length of time is determined to be 21 days.

**Mr Bisson:** Here's the problem: That policy, as you know, has been on the books dating back to 1970, but no government, including yours, mine or the Liberal predecessors, has ever enforced that policy because we recognize in northern Ontario there's lots of crown land to go around and we don't need to limit people to 21 days camping on land overall. Putting it to you very simply, this is a stupid policy. You're at the point now where you're kicking people off crown land after they've gone 21 days total camping on crown land. In fact, on one occasion I know of, your ministry staff has gone to a camper and spray-painted the bumper to mark it for eviction.

I'm going to put it to you this way: Are you prepared in the House today to say to campers across Ontario,

"You're allowed to camp on crown land, and we're not going to limit you to 21 days total," or are you going to push them into private parks and provincial campgrounds?

**Hon Mr Snobelen:** Let me say that I am very disappointed—I'm being handed a note. Just before I got the note, I was very disappointed. Having read the note, I'm still disappointed in the question from the member opposite, and let me tell you why. The member is suggesting that there's a public policy on how long someone can occupy publicly owned land, land owned by the whole of the public of Ontario. He is suggesting that a policy that's been on the books since the 1970s is the wrong policy. I'd ask him, why didn't you change the policy?

The other part of his question is: He's accusing the government and the people who work in the government of actually enforcing the policy of this province, and I think that's a good thing.

1520

### WATER QUALITY

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** A question to the Minister of the Environment, and back to the 1998 Provincial Auditor's report. In the second auditor's report, in 1998, the auditor said that the province needed a comprehensive water policy to guard against the concerns he identified both in 1996 and again in 1998. You said at that time—that is, the Ministry of the Environment—that you were developing a comprehensive plan to deal with these concerns and that that comprehensive plan was going to include a common set of management and protection principles and a clear delineation of roles and responsibilities between the province and local authorities to protect the public health.

My question is: In that comprehensive plan that you said was being developed two years ago, what specific principles did you agree on about responding to the concerns about contaminated water, what were the ingredients of that plan, and did you communicate those principles of your plan to your colleagues across the Ontario government and to various local agencies like people in Walkerton?

**Hon Dan Newman (Minister of the Environment):** Groundwater protection is an integral part of the province's water management framework. The Ministry of the Environment has worked closely with other ministries, with the Ministry of Natural Resources and the Ministry of Agriculture, Food and Rural Affairs, as well as with the Ministry of Municipal Affairs and Housing and, I might add, the Ministry of Economic Development and Trade, and not only those ministries in our government but also municipal and agency partners, to ensure that groundwater and all our water resources are not only protected but conserved in our province.

The groundwater protection is accomplished through a number of mechanisms, including ongoing operational and monitoring measures. The provincial water protec-

tion fund funded 34 studies affecting some 88 municipalities—

**The Speaker (Hon Gary Carr):** The minister's time is up. Final supplementary.

**Mr Conway:** The point is, I say to the Minister of the Environment, your ministry and your government said in the fall of 1998 to the auditor, not for the first time but for a second time, that you were developing a comprehensive plan to protect the public interest around contaminated water. You said that. You said you were working on a plan that was going to be clear around principles and around who does what. That's what you said. That's what you promised.

I ask you, as one honourable member to another—I assume that you were telling the auditor and the Legislature the truth—what were the specific ingredients of the plan you were finalizing in 1998, and beyond the grants you announced a while ago, what were the specific implementation measures you took and announced to people in communities like Walkerton and across the province to keep your word and protect the public health?

**Hon Mr Newman:** Again, in addition to the 34 studies being funded, the \$4.3 million, there was a budget initiative this year of \$3.6 million, a groundwater monitoring network in our province, 350 electronic devices in the 36 watersheds so that we're able to monitor groundwater in our province.

#### SECURITY OF THE LEGISLATIVE PRECINCT

**Hon Robert W. Runciman (Minister of Consumer and Commercial Relations):** On a point of privilege, Mr Speaker: It relates to your responsibilities for security in the legislative precinct and the incident that occurred here earlier today. This is a long-held concern of mine, for the safety of members of the assembly. I know that you and your staff will review any breach of security. I am concerned about the broader implications and the potential for members of the assembly being seriously injured by objects or materials being tossed out of the public galleries on to the heads or backs or bodies of members of this assembly. So I would make a personal request that any review of this incident be looked at in a broader context with respect to the potential for serious injury.

**The Speaker (Hon Gary Carr):** I thank the member. I think that's a concern of all the members. The member may know that the Speaker also has a security committee that is struck that looks into this, with all three parties represented there. We will obviously be taking every incident and we appreciate the member's—I can say very clearly that the issue of security of the members is very important, obviously, to all of us.

**Mr David Christopherson (Hamilton West):** On a point of order, Mr Speaker: On that point, I was glad you raised the notion of the security committee, of which I am of course a member, but I would like to bring out that this is always a balancing act. I know that the former

Solicitor General is very much aware of that and is a veteran of this place, but we must always keep in mind, and it needs to be on the record when these things are raised, that there is a balance between providing for the security of the public that's here, the staff and the members, but also a recognition that this is a public building, arguably the most public building, and the committee and the Speaker must constantly be struggling with that fair balance between the security of individuals and recognizing that people need and deserve access to their own building.

#### USE OF LEGISLATIVE ASSEMBLY FACILITIES

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: On February 24 of this year, you sent a letter addressed to all members of provincial Parliament and staff, and in that letter you raised the issue of members using common areas of the Legislative Assembly for the purpose of conducting partisan media activities. This was in response to a press conference that one of my colleagues had had on a particular issue that was before the Legislature.

I note that yesterday the Minister of Education held a press conference in the corridors of the third floor here which was essentially the same matter, and at this point you have not reissued this letter or brought this matter to people's attention again. I wonder if the contents reflected in your letter dated February 24, 2000, still hold and if they apply equally to the government and to the opposition.

**The Speaker (Hon Gary Carr):** I thank the member for raising that. It does. What we've attempted to do is to get all sides to begin to use the media studio. As you know, we have many guests who come to this building and we do have a good media studio that could be used.

I will say this: What we've attempted to do with all sides is to let them know. It hasn't worked. What I have been doing is keeping copies of the incident reports. I'm not at the point now where I'm going to send constables in the middle of a press conference to pull the plug, as it were, but if that's what it takes, we may have to go that route.

It's always my opinion that the best way to work with honourable members is to let them know, and that most members will be good. If I see it is abused—and I will also say that we are working with the president of the press gallery on this to put together some comprehensive rules. We are coming to the end of the session in a couple of weeks and I would like to begin the next session where we don't have any situations like this. But again, it is not my feeling, as Speaker, that we should send constables in the middle to pull out uni-mikes and so on, but we do want to have a situation where all members abide by that.

I thank the member. I can say very clearly that, as part of a comprehensive policy, we are looking at the whole issue of the media studio, and there are some things we are going to attempt to do to enhance the members



wanting to use that media studio as well. When we have the policies, we are going to post them so that everybody knows, all members on all three sides, as well as the press gallery. Then, I will say to all members, we will have to enforce it, up to and including whatever is necessary to ensure the rules aren't broken. Again, just let me say very clearly, it is my hope that in all circumstances I don't have to rush in with, as they would say, a heavy hand in these matters.

I can say very clearly to the member, I do have a copy of the incident report. In this particular case, we advised the Ministry of Education of the circumstances. I will say to the Minister of Education, we do keep copies of what exactly the reply was, and as a result of that we know very clearly whether a member doesn't know, which were some of the circumstances in the beginning. Members didn't know that, in all fairness to new members. So we now have a file on that and we are going to come out with a comprehensive policy that we will have to ensure gets enforced, because as the member will know, it isn't fair for some members to live by a certain set of rules and not other members. At the end of the day, it doesn't matter if it's an announcement by a cabinet minister or a regular member; we're all going to have to live by the same rules.

I thank the member for his attention to that matter.

**Hon Margaret Marland (Minister without Portfolio [Children]):** Mr Speaker, on the same point of order: When you do review this question, I would suggest to you that it probably becomes a very fine line between what constitutes a press conference and a scrum. Any one of us, as members, can have 30 people in a scrum around us at any time, which also, if we extend the interpretation, could be an inconvenience to visitors to this place. I think the thing we have to remember is that this is a place where the work of Parliament takes place, and the visitors are here as a courtesy. This is where we do our work.

**The Speaker:** I thank the member for her input. I'm certainly aware of the difference between a scrum, which is spontaneous, and a situation where uni-mikes are set up and there is a planned press conference. I'm definitely aware of the differences.

## MOTIONS

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Mr Speaker: I ask for unanimous consent to make a motion relating to the standing committee on the Legislative Assembly.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mr Klees:** I move that, as authorized by each caucus whip, the members of the standing committee on

the Legislative Assembly or their alternates be authorized to attend the National Conference of State Legislatures.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

1530

## PETITIONS

### ABORTION

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I have a petition to the Legislative of Ontario.

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience and finance; and

"Whereas the province has exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 46,000 abortions in 1995 at an estimated cost of \$25 million;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

I also affix my signature to this petition.

### EDUCATION LEGISLATION

**Mr Peter Kormos (Niagara Centre):** I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I am sending this petition to the table with page Maria Dombrowsky, representing Hastings-Frontenac-Lennox and Addington.

## LORD'S PRAYER

**Mr Bert Johnson (Perth-Middlesex):** I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life; and

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I sign this so that it becomes an official record in this chamber.

## PRIVATE UNIVERSITIES

**Mr Ernie Parsons (Prince Edward-Hastings):** I have a petition signed by the residents of Picton, Wellington, Bloomfield, Hillier, Demorestville, Consecun, Ameliasburgh, Milford, Cherry Valley and Belleville to the Legislative Assembly of Ontario:

"Whereas the Ontario government plans to allow private universities into the province;

"Whereas the \$40,000-per-year tuition fees will create a two-tier education system and dramatically widen the gap between rich and poor in Ontario;

"Whereas private universities will take away faculty from public universities, who are already understaffed due to government funding cuts;

"Whereas post-secondary education should be accessible to all qualified students and not merely those with a high family income;

"We, the undersigned, petition the Legislative Assembly as follows:

"(1) to deny private universities entry into Ontario;

"(2) rather than encouraging privatization, to instead restore the funding that has been cut from our public universities so that they will be able to offer higher quality education;

"(3) to end the yearly tuition increases that deter many students from attending university."

I am pleased to add my signature to this petition.

## EDUCATION LEGISLATION

**Mr Rosario Marchese (Trinity-Spadina):** These are thousands of names from people across the province.

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I support this petition.

**Mr Joseph Spina (Brampton Centre):** I'm pleased, according to the standing orders, to submit a petition on behalf of 30 members of my constituency, two of whom are active members of OECA. It's with respect to Bill 74. It's a form petition very much like the one the previous member submitted, and I submit it to the Legislature on their behalf as my constituents.

## CORRECTIONAL FACILITIES

**Mr Michael Gravelle (Thunder Bay-Superior North):** I have a petition signed by 2,000 people who are very strongly opposed to the privatization of our correctional system in the province. The petition reads:

"To the Legislative Assembly of Ontario:

"Whereas privatization of Ontario's correctional services is wrong and only publicly run and accountable correctional services can be beneficial to taxpayers, employees and those incarcerated,

"Therefore we, the undersigned, demand that the government of Ontario must stop the privatization of any correctional service now."

I have 2,000 names from across my constituency, and I'm very proud to add my name to this petition.

## KARLA HOMOLKA

**The Acting Speaker (Mr Tony Martin):** Further petitions? The member for Bramalea-Gore-Malton-Springdale.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Thank you, Mr Speaker. I do appreciate that. As you saw, I did stand up about 10 times before.

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a



sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I'll attach my name to it.

#### EDUCATION LEGISLATION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I have a petition to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I proudly affix my signature to this petition.

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#### FARMLAND

**Mrs Julia Munro (York North):** "Whereas Canada's class 1 farmland is a nationally important resource that is fast disappearing; and

"Whereas 8,000 acres of Canada's best farmland north and east of Toronto was expropriated in 1973 to be retained as parkland and farmland in perpetuity; and

"Whereas it was the stated intention of this and previous governments to protect this area, the Rouge-Dufferin Agricultural Preserve, as parkland and farmland forever; and

"Whereas the Ontario Realty Corp is charged with selling this public land; and

"Whereas this sale is being conducted in a manner that threatens the existing community and the future of farming in the agricultural preserve;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We request that the government of Ontario actively seek implementation of agricultural easements on all the farmland in the Rouge-Dufferin Agricultural Preserve;

"We request that the government of Ontario honour the promise of the Chair of Management Board of Cabinet, specifically that the sale of the farmland will be at prices affordable to the farmers to ensure the continuation of farming in the agricultural preserve."

#### NORTHERN HEALTH TRAVEL GRANT

**Mr David Ramsay (Timiskaming-Cochrane):**

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographic locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislative Assembly to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

#### CO-OP HOUSING

**Mrs Brenda Elliott (Guelph-Wellington):** I present a petition on behalf of 16 of my constituents.

"We request that the Ontario government sit down with the co-op housing sector to negotiate a deal which

will ensure the long-term financial viability of housing co-ops and the continuance of rent-geared-to-income assistance upon which thousands of co-op members depend, and which will promote greater responsibility for administration by the co-op housing sector and less interference by the government in the day-to-day operations of housing co-ops."

I submit this respectfully.

## EDUCATION LEGISLATION

**Mr Gerard Kennedy (Parkdale-High Park):** I have a petition to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on the threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"Whereas Bill 74 deserves more than a token opportunity for the citizens of Ontario to be heard on this unprecedented attack on the rights of Ontario's partners in education;

"We, the undersigned, petition the Legislative Assembly of Ontario to more than the current one and a half days of public hearings on Bill 74."

There are 725 people from Nepean, Ottawa, Gloucester and other parts of this province, among thousands, who have signed this petition. I'd like to sign my agreement with them and also indicate to some of the laughing members opposite that this is not over and there needs to be a proper debate.

**Mr Peter Kormos (Niagara Centre):** I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers;

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

**Hon Margaret Marland (Minister without Portfolio [Children]):** On a point of order, Mr Speaker: It is in our standing orders that a member cannot impugn the intent or the words or the actions of another member, and I would ask you to request that the member for Parkdale-High Park apologize for just referring to "laughing" members on this side of the House, who indeed had nothing to do with anything the member was doing when he had the floor. It is beneath even him to make that accusation.

**The Acting Speaker (Mr Tony Martin):** I don't think that was a point of order.

*Interjections.*

**The Acting Speaker:** I ruled that I didn't think it was a point of order.

Orders of the day.

**Hon Mrs Marland:** On a point of order, Mr Speaker—

**The Acting Speaker:** Is it the same point of order? Because I have already ruled.

**Hon Mrs Marland:** No, it is not the same point of order. Perhaps at some time you could advise me, as a member of this Legislature, when raising a question on the orders under which we operate, the standing orders of this House, when those orders are not in effect, how a member can have them made effective by he or she who controls this House, namely, the Speaker.

**The Acting Speaker:** That's a matter of personal opinion and perspective. That was not a point of order previously, and so I call orders of the day.

## ORDERS OF THE DAY

### SAFE SCHOOLS ACT, 2000 LOI DE 2000 SUR LA SÉCURITÉ DANS LES ÉCOLES

Resuming the debate adjourned on June 8, 2000, on the motion for second reading of Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act / Projet de loi 81, Loi visant à accroître le respect et le sens des responsabilités, à fixer des normes pour garantir la sécurité des conditions d'apprentissage et d'enseignement dans les écoles et à modifier la Loi sur la profession enseignante.

**The Acting Speaker (Mr Tony Martin):** Pursuant to the order of the House dated June 12, 2000, I am now required to put the question.

Mrs Ecker has moved second reading of Bill 81. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.



Pursuant to the order of the House dated June 12, 2000, the bill is ordered referred for third reading.

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SAFE SCHOOLS ACT, 2000  
LOI DE 2000 SUR LA SÉCURITÉ  
DANS LES ÉCOLES

Mrs Ecker moved third reading of the following bill:

Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act / *Projet de loi 81, Loi visant à accroître le respect et le sens des responsabilités, à fixer des normes pour garantir la sécurité des conditions d'apprentissage et d'enseignement dans les écoles et à modifier la Loi sur la profession enseignante.*

**Hon Janet Ecker (Minister of Education):** I will be sharing my time with my parliamentary assistant and with the honourable member, Brenda Elliott, whose riding name at the moment, I'm sorry, I have forgotten.

**Mrs Brenda Elliott (Guelph-Wellington):** Guelph-Wellington.

**Hon Mrs Ecker:** Guelph-Wellington, a fine riding. So I will be sharing my time.

When our government launched its education reforms more than five years ago, our primary goal was to offer Ontario students the best-quality education possible. A key part of our quality education agenda is to ensure that schools and our publicly funded education system are safe and respectful places to learn and to teach in. We recognize very clearly that our teachers can't teach and our students can't learn if they're in fear for their safety. In too many classrooms in this province this, sadly, has been the case.

The Safe Schools Act, if approved by this Legislature, takes the steps necessary to ensure that Ontario's school system is the safest and the best that it can be. Parents, students and teachers have told us that they want their schools to be safe, respectful environments for learning and teaching. I don't think there is a person in this House who would disagree with that. Parents have told us that we need to provide more direction to the school system so that students come first. They want our teachers to be skilled and dedicated, as many, many of our teachers are, and they want our school environments to be safe and disciplined.

Bill 81 would do this by giving authority to the provincial code of conduct that I released in April, and it would allow this government to proceed with other initiatives that will promote respect, responsibility and civility in our classrooms.

The provincial code of conduct is a key step in a series of initiatives that will make our schools safer, more respectful environments for learning and for teaching. We want to bring those values back into our classrooms, and the values of good citizenship as well, because we believe that those values of respect, responsibility and

good citizenship are very much foundations for our education system. So this code of conduct and the legislation that we are discussing today is very much part of trying to bring that back to our education system.

This is also very much an election commitment, a campaign promise that we made to the voters of Ontario last year. We clearly laid out, based on the consultations that my predecessor had done, how we would respond to that, how to make our schools safer, more respectful, to involve parents in that process. That was very much what we heard from parents around safer schools. Our plan was to have a code of conduct and other safe school initiatives to be phased in step by step, beginning this September. So it was indeed a promise that we made. There was great public support for this promise and so we are moving ahead with this.

Bill 81 directly addresses what people have been telling us they want for their schools. But I think it's also important to note that parents and students have also said that they do want us to act. Yes, it's important. They want us to act. They are in fear today. There are incidents today. This code of conduct will help to deal with that; it's another step to deal with that.

Our colleagues from the opposition have in fact been criticizing us because we haven't moved on this. My honourable colleague from High Park-Parkdale is frequently saying, "They've announced all this many times and they haven't implemented it." Today the rubber meets the road, where he has to actually decide whether he supports a code of conduct for our schools or whether his party does not support a code of conduct for our schools, because we are acting as we said we would. But I take his point. He says we should be acting faster. We are moving forward with this because there's so much that needs to be done in order to make our schools safer, to bring the values of respect, responsibility and good citizenship back. This legislation is very much part of making that happen. That is why we are bringing it forward.

Over the past year we have planned and consulted very carefully and very thoroughly with our education partners to ensure that Bill 81 addresses the widespread concerns that we have been hearing about behaviour, discipline, respect and safety. The code of conduct sets clear, consistent province-wide standards of behaviour for everyone involved in the education system.

We quite recognize that many schools do have varying codes of behaviour, and one of the honourable members was holding them up in the House the other day. Of course, there are very many codes of behaviour and various behaviour standards in schools, but we heard very clearly that (1) they vary very much from board to board and (2) sometimes principals and teachers do not feel they have the right authority to make the decision to keep their classrooms or their schools safer, or that when they do try to make those decisions they are not backed up in doing it. The rules, the standards, varied very much from class to class, from school to school, from board to board. Parents also said very clearly that despite those

codes that may in some communities be very good, they still believe more needs to be done.

We very much agree with that, and that's why through this legislation we will ensure that there are clear province-wide standards, especially for the most serious infractions, things like bringing weapons, drugs or alcohol to school, harassing or threatening teachers or other students. Those are very serious offences and we want to make sure we have clear rules about what is and is not accepted, but also clear consequences if our students are breaking those rules, because those are very important safety initiatives.

We should also be very clear that school boards will continue to be able to establish their own procedures and set consequences for other kinds of infractions, for other kinds of behaviour that the school board and the parent community feel are important for the school. But regardless of where you attend a publicly funded school in Ontario, there will be the same mandatory consequences for serious violations of the provincial code. This is certainly a first in Ontario and we are indeed leading the country in making sure we have these very strong rules.

It's also important to say that this legislation clearly recognizes the role of parents in making these decisions. As I said, there are many other kinds of rules, other kinds of procedures, behavioural codes or standards that school boards might want to do in addition to this code of conduct. They have to have parents, through the school council, involved in this decision-making process, because parents are very much partners in the education system. Their involvement makes a difference in their schools and also in their child's achievement and what they can do in these schools. The legislation clearly recognizes that role by ensuring that school councils are involved when a school board is developing its code of conduct and its safe-school policy.

One important way to ensure that our classrooms are respectful learning environments is to make sure, and I referenced it earlier, that teachers and principals have the clear authority they need to make decisions to keep their classrooms or their schools safe. One important way is to ensure that the bill does indeed propose this. For example, it would give teachers the authority to suspend students for one day if they had a circumstance where the code has put forward the penalty of suspension and where a teacher, in their professional judgment, feels that is a necessary step. Suspensions that warrant more than a day would continue to be referred to the school principal. We certainly have heard that message. We think that's appropriate. Principals will continue to have suspension power for up to 20 school days. But we also believe that principals need to have an additional authority, and that is the right to expel students for up to one school year from their school. Obviously, school boards will continue to have their decision-making authority around further expulsions, but we do believe this is important to help promote safe classrooms and safe schools.

I should add, because I know there has been a great attempt to misrepresent this, that of course this legislation

puts forward appropriate due process for any use of this kind of authority that we're giving teachers and principals. The legislation would give parents or guardians the right to appeal an expulsion by a school board or principal, or a suspension by a principal. We think that's extremely important.

Parents and guardians want to see appropriate programs for students who have been suspended or expelled from school, and this government certainly agrees with that viewpoint. We agree that sending these young people out on to the streets, rewarding them with a day at the mall by kicking them out of the classroom or school, is not dealing with their problem at all; that only puts the problem somewhere else. That's why the proposed legislation clearly sets out requirements for students who have been expelled, for example, to attend strict-discipline or equivalent programs in order to accomplish a couple of things. First of all, obviously, removing a student from the classroom, from the school, deals with the safety of the other students and the teachers at that time. But the goal of this legislation in ensuring that there be another program for that student to go to is to ensure, first, that that student's education continues. Secondly, we want to make sure we are dealing with whatever problems the student may have that may have contributed to the behaviour, and also to make sure those expelled students are clear that they can come back to a regular classroom but they have to earn their way back, that that good behaviour is something they need to work on to get back into the regular school program. Again, we heard from parents very clearly that this was another important step. So the legislation clearly recognizes the need for these other programs to be in place.

#### 1600

One of the other significant initiatives in this legislation is to ensure the safety of students, staff and volunteers. The bill is proposing that we would have criminal background checks for anyone working in a school. I think it's important to note that the Ontario College of Teachers already conducts criminal reference checks for all new teachers, but we've clearly heard of the need for an additional process here to add to the safety in our schools. It also very much responds to the recommendations of Justice Sydney Robins. As many of the members in this House will know, he did a very excellent and detailed report about what had unfortunately occurred in the past, where some children in schools were sexually abused. One of the recommendations he makes is that the government introduce mandatory criminal reference checks for everyone teaching or working in Ontario schools. So Bill 81, our Safe Schools Act, responds to the recommendations of Justice Robins on that.

Another important initiative has to do with dress codes or uniforms. One of the things we heard very clearly from parents was that they think this is an excellent idea and they would like to proceed with this. This bill gives the authority to a majority of parents at any school to decide on a dress code or require a uniform for their



children. Not only do they believe this is something that helps promote respect and responsibility in their schools, but I heard from students about how it actually promotes safety, because they know who the members of the school community are.

I'll never forget when I met two young ladies who were Muslim and were in the traditional garb of someone who supports that faith. They talked about how the dress code in their school had been adapted so that they could have similar clothing to the other students in their class but at the same time were respecting their religion. They said it made them feel very much part of the school body. It was certainly a benefit of a dress code that I hadn't anticipated, but they wanted me to know. They waited at one of the events I was at to make sure I heard their message that it was possible to have dress codes but at the same time they could respect their religion and still feel part of the student body. So I believe there are many benefits of having a dress code or a uniform for students, but we do believe the authority to make that decision should rest with the parents. That's why this legislation proposes to indeed do that.

Another initiative is that principals would be given the authority to ensure that anyone who poses a threat is denied access to school property.

One of the other points I think it is important to note is that we do recognize that sometimes there are troublemakers who are not on school property. Another piece of legislation that this government has already passed—it was actually in 1998—does allow communities to create community safety zones where they can set specific rules around the school, for example, to add to safety. This code of conduct indeed deals with school property and with school events, but we also have other legislation which allows the community to deal with safety in the community around the school.

These amendments are about making the rules of behaviour and consequences clear to everyone. They clarify the roles and responsibilities we all have to ensure safety and respect in our schools and they build on the previous reforms we've made to ensure that Ontario's schools are delivering the best and the safest quality education possible for our students.

The reforms that we have either implemented or that are underway—for example, to improve the curriculum, have a better, stronger, more rigorous curriculum so our students are learning what they need to know; testing to make sure they are indeed learning what's in the curriculum; standard, clearly understood report cards so that parents know how well their students are doing; providing extra help for students to deal with that more rigorous curriculum; more resources for special-needs children; smaller classes, more teachers—are all part of the quality education reforms that this government has promised in two elections and we are indeed delivering on.

And very much part of that is the code of conduct, because if our classrooms are not safe, if we do not have respect and the values of good citizenship and responsi-

bility in our schools, all of those other initiatives will indeed fail. So this code of conduct, the legislation that we are discussing today which proposes to bring it into effect, is very much part of our plan for education quality reforms. The legislation is consistent with the policies that we've announced and consulted about over the preceding months.

I do believe that it is time to move forward with this so we can take these steps in our classrooms beginning this fall. I would certainly invite and hope all of the other members across the way would support this very important and crucial legislation.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm certainly pleased to join in the third reading debate with respect to the Safe Schools Act, Bill 81. There's a couple of areas I want to focus on in dealing with this. Certainly, as we are all aware, the provincial standards of behaviour that are being set out here with respect to the code of conduct apply not only to students but also to all individuals involved in the publicly funded school system—parents or guardians, volunteers, teachers and other staff members—whether they are on school property, on school buses, or at school-authorized events or activities. There's a couple of areas that need to be referred to in terms of what we're trying to accomplish here under this legislation.

It was suggested by the opposition party that we really should be focusing not on the school conduct itself that happens at the school but on activity that surrounds the school. It was proposed by the Liberal Party as part of their 1999 election campaign that "Anyone convicted of carrying a weapon or dealing drugs within five blocks of a school would be subject to a new provincial penalty of up to two years in prison." I just want to put my position out there. From what I understand from the Attorney General, that approach is not sustainable. To create a provincial offence simply as the result of committing a criminal offence close to a school is going to be extremely hard to justify as a valid exercise of provincial legislative power and in fact the province has no jurisdiction to create a criminal offence.

But what this government has done through legislation and responses to deal with safe communities is proclaim an act on September 1, 1998, to promote public safety through the creation of community safety zones. Those have been in existence since September 1, 1998. Also, Bill 26, the Highway Traffic Amendment Act (Community Safety Zones), allowed municipalities to designate, through a bylaw, portions of roadways where public safety was of concern. In these zones near schools and playgrounds, moving offences such as speeding and careless driving can be subject to increased fines that are under provincial jurisdiction. Possession of illegal drugs and/or weapons are Criminal Code offences and the sentencing provisions are under the jurisdiction of the federal government.

Establishing a new provincial offence, in addition to sentencing under the Criminal Code, would be legally problematic and subject to charter challenges. So the

Liberal proposition with respect to dealing with activity outside of a school certainly would not be sustainable based on the jurisprudence and based on the jurisdictional powers of the federal government.

There are also measures under the code of conduct that would ensure that school boards and schools would have safe school teams involving community members that would work on safe school strategies. That is in the act because it requires school boards to establish policies and guidelines governing codes of conduct and safe school policies in schools with the involvement of school councils.

The act also requires school boards to review their policies and guidelines re codes of conduct and safe schools when doing so, and they must seek the views of students, teachers, staff, volunteers working in schools, parents and guardians, school councils and the public. The act also requires the principal of a school to involve school councils when developing or revising school codes of conduct and school safety policies.

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The government has made a commitment to develop a provincial protocol that will provide a framework for how police and school staff respond to incidents in schools. This protocol, a collaboration between the Ministry of the Solicitor General and the Ministry of Education, will be developed in consultation with police services, school boards, principals and the special education community.

The act also provides authority for the minister to direct school boards to establish policies that promote safety of pupils—ie, the prevention programs—that require consultation with school councils and periodic reviews, and include the public. Boards are free to establish teams if that is the best way to operationalize their policies. So the framework for setting up safe school teams is there, with tremendous input, I may add, from school councils. What we're looking for is meaningful and full participation of our various partners in education at the provincial and local levels to ensure that we have safe schools and safe communities.

One other area I want to touch on at this time is the collection of personal information about persons and the request under the act to ask boards to collect this information. It's important for every student to feel safe and secure at school. One way of achieving this result is to ensure that students and parents know that they can trust people working in schools. We know that the vast majority of teachers and school staff have earned and deserve the respect of their students. Still, as the Honourable Sydney Robins told us, we can do more to ensure that children in schools are not abused by adults to whom they are entrusted.

This government is committed to identifying more and better ways to help ensure the safety of Ontario's children. Justice Robins's report, *Protecting our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*, recommended that the government introduce mandatory criminal background checks for

everyone teaching or working in Ontario schools. In order to make a safer school environment for students and to ensure that schools have the information they need to support expelled students who are returning to their regular classroom from strict discipline programs, we will have to collect specific information.

I'd like to look at a Toronto Star editorial. It says, "The Safe Schools Act gives the Minister of Education sweeping powers to collect and disseminate personal information regarding individuals in schools, being students, teachers, administrators etc."

The editorial notes that Bill 81 says:

"The minister may collect and may by regulation require boards to collect such personal information as is specified by regulation from, or about, the classes of person specified by regulation...."

"A board or other person is authorized to disclose the personal information ... to the minister ... and the minister may disclose it to such persons or entities as may be prescribed by regulation."

The commitments made by this government in the Blueprint during the last election are very clear. We indicated that we were focusing on ensuring safe learning and teaching environments in schools, and the government stated that it would "require mandatory criminal background checks for everyone teaching or working in schools" and "require strict discipline schooling programs for students who have been expelled from regular classes."

The Safe Schools Act, Bill 81, the proposed legislation, will permit the collection of information in order to:

(1) Require criminal reference checks on all employees who have regular access to students. Currently the College of Teachers requires that new teachers provide a criminal reference check.

(2) Allow the sharing of information on an expelled student for the purpose of ensuring that, for example, upon re-entry from a strict discipline schooling program, a school board will have the information it needs to assist the student in his or her transition back into the regular program.

The Robins report was dated April 7, 2000. The Attorney General of Ontario released a report prepared by the Honourable Sydney L. Robins, as I indicated earlier, *Protecting our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*. The report contained 101 recommendations, most of which involve the education system, the Ontario College of Teachers and school boards. The recommendations of the Robins report that are to be implemented include (1) that a code of conduct apply to students, teachers and other staff; (2) that criminal reference checks be required for teachers and other employees. That is exactly what Bill 81, the Safe Schools Act, is doing. It's implementing those measures of the Robins report that I just indicated.

In essence, we have set up a code of conduct that holds everyone who's involved in the school system to the same standard. We are ensuring there are safe schools, and the zones around them; we're ensuring there



are safety teams involved through the principal, teachers, support staff. In particular, school councils will have a tremendous impact and role with respect to developing this provincial code.

That's the focus with respect to this legislation. The proposed legislation allows the minister to "establish a code of conduct," which is a policy of the minister governing "the behaviour of all persons in the school." The code of conduct has a number of broad purposes centring around making schools safer. The minister can direct boards to take steps to bring the code of conduct to the attention of parents and guardians of pupils and others who are present in schools under each board's jurisdiction. The proposed legislation also allows the minister to "establish additional policies and guidelines" governing "the conduct of persons in schools," promoting safety and disciplining pupils.

The fact of the matter is, this legislation is needed. The information that is before this House, that has been debated at second reading, clearly indicates that there are very serious offences that have resulted in expulsions and have resulted in suspensions and that our schools need to be safer. The measures we are proposing are province-wide. If you wish, they're province-wide standards to deal with a provincial code of conduct. I think it's important that the public know that safe schools and the standards that are important with respect to codes of conduct in school boards are not uniform across the province, and that is the fact.

What we're trying to bring here is uniformity in terms of the code of conduct and the consequences that would result, but most important, we're setting out the framework of who would be involved in developing and implementing local codes of conduct that would be dealing with matters other than those which are covered with respect to the provincial code of conduct. Pursuant to the proposed legislation, a board can "direct a principal to establish a local code of conduct governing the behaviour of all persons in the school, and the local code must be consistent with the provincial code" of conduct and must address all requirements set by the school board and the principal must consider the views of the school council with respect to the contents of the local code of conduct.

There will be a provincial code of conduct and there's authority for school boards to establish local codes of conduct. We also have consequences that have been introduced into the bill. There are mandatory suspensions imposed by the proposed legislation or school board policies. Very clearly, it indicates what kind of conduct will result in suspension from school and all school-related activities, if the pupil engages in certain types of activity while at school or at a school-related activity.

There are also discretionary suspensions which can be imposed by school board policies. That will be determined by the school, but it also deals with the school and school-related activities. Obviously there will be appeals and reviews of certain types of suspensions.

Another aspect of the bill is expulsions. There will be mandatory expulsions imposed by the legislation or by

school board policies. There are very clear circumstances, types of conduct that will not be tolerated which will result in expulsion. What's very important here is that there will be limited and full expulsions.

"A pupil who is subject to a limited expulsion is not entitled to attend the school the pupil was attending" or to participate "in school-related activities until the later of,

"(a) the date specified by the principal or the board when expelling the pupil, which date cannot be more than one year after" the pupil was suspended; "and

"(b) the date on which the pupil meets such requirements as may be established by the board for returning to school after being expelled."

But a student who is subject to full expulsion is not entitled to attend any school in the province or to engage in school-related activities of any school in the province until they meet such requirements as are established by regulation for returning to school after being expelled.

#### 1620

What we're establishing here is dealing with expulsions that are limited or full. Certainly there are going to be support programs put in place to deal with these students who are dealt with and also an appeal process to deal with students who are suspended or expelled.

I just want to say that the code of conduct is a provincial standard. It has a procedure that's set out. It has a framework that is very supportive, that brings all the stakeholders together to bring into effect a safety team. Certainly we understand what the safety zone is: It's the school and school-related activities. We can't be any more definitive than that. I would say that what we need here across the province is uniformity. That's what this bill brings across the province to all school boards in terms of establishing a provincial code of conduct and also giving them the discretion to set up local codes of conduct and to deal with the consequences of violating those specific codes.

I'm very pleased to have spoken on this bill in third reading. I'll now relinquish my time to the member from Guelph.

**Mrs Brenda Elliott (Guelph-Wellington):** I'm very pleased to have an opportunity to add my voice in support of this bill. The full title of the bill is An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act.

When we were re-elected in 1999, many of my voters said, "I'm very pleased to add my support to you, Brenda," and one of the most important reasons they gave on a broad basis of issues was the fact that we kept our promises. It's very important to think back to the Blueprint. I turn to page 40, where it says, "We'll introduce a province-wide code of conduct for students that will set clear minimum standards for behaviour, and spell out the consequences for breaking the rules." We are keeping yet another promise and today we are debating the Safe Schools Act.

I was looking at a piece of information that I think is very important to remember. The Ontario Charter of Education Rights and Responsibilities notes the following three things: "Every student has the right to a safe learning environment; students have the responsibility to respect themselves and others within the education system; and teachers have the right to be able to maintain order in their classrooms"—three very sensible and straightforward parameters for good learning.

Although we are debating the bill called the Safe Schools Act, what we are really talking about is one more part of our very complex and far-reaching program of establishing the finest education system possible here in Ontario.

We have introduced fair, student-focused funding; we have required more resources to be directed to classroom learning; we have introduced and continue to introduce new rigorous curriculum; we have introduced regular testing to show how students are doing; and standard report cards, of course, have also been introduced.

This is yet another part of the program of making sure our students are able—

**Mr Rosario Marchese (Trinity-Spadina):** On a point of order: I apologize for the interruption, but there's absolutely no quorum in this place.

**The Acting Speaker (Mr Tony Martin):** Is a quorum present?

**Clerk at the Table (Ms Lisa Freedman):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** Mr Speaker, a quorum is now present.

**The Acting Speaker:** The member for Guelph-Wellington.

**Mrs Elliott:** I'm not sure how my colleagues across the way in both the Liberal Party and the NDP are going to react to this particular bill. If it's their usual pattern, they will of course oppose it. But I thought it might be very interesting to hear what people across the province are saying about this piece of legislation.

For instance, the Pickering News Advertiser said, "Youth must be taught that anti-social, selfish and illegal behaviour will not be tolerated in schools, just as it is not tolerated in society at large."

Perhaps we could turn to this one from the London Free Press: "In reality, the proposed code isn't far from standards of conduct many schools already enforce, but its clear-language, no-nonsense-approach enhancements for the disciplinary powers of school staff in a province-wide application represent a step forward for Ontario's education system for the most troublesome cases, for times when our best efforts fail."

Perhaps we would be interested in this one from the Ottawa Sun: "We welcome the standardization of a code of behaviour. What we're looking for is something that will ensure the dignity, respect and wellbeing of all the students and staff," said M.B., superintendent of corporate affairs at the Ottawa-Carleton Catholic School Board."

Here's another view of this act from a grade 6 student at Lawrence Heights middle school in Toronto: "They," meaning the rules, "give us more discipline. We realize that we have come here to learn."

Here's another one from Floyd Kennedy, a principal in Brant-Haldimand-Norfolk Catholic District School Board: "When you are dressed up, your behaviour mirrors the way you are dressed and it encourages school spirit. This way they are part of a team. It gives them a sense of belonging."

This one interested me, and I thought it was very important. From the Niagara Falls Review: "A school without rules or where rules are not enforced is a detriment to the community."

As my colleague and the minister said earlier, this code of conduct is all about setting province-wide standards. They speak to the issues of what is or is not allowed in schools. They speak to the issue of school councils, principals and school boards all having greater authority and an ability to speak with one voice about how our students are dressed in school, how they behave, the procedures for opening and closing exercises—the opportunity, for instance, to recite the pledge of allegiance—and many different parts that speak to our classrooms being safe.

As a former teacher myself and as the mother of four children who have gone through the school system—our last one is just finishing high school this year—we've often had dinner conversations in our household about what happens when a disruptive student is unable to be managed throughout the day and what then happens to the learning environment.

We speak a lot about students being safe, and that is certainly very important and an integral part of the various facets of this legislation. But for me the most important part is establishing a learning environment, a classroom environment where teachers are able to concentrate on what they are there to do, and that is to teach, and students are able to concentrate on what they want to do for the most part, and that is to learn.

This code of conduct allows the province to take leadership and allow all the partners, be they principals, teachers or school boards, to share in that ability to set a framework that is very clear and very orderly and, I think, that will be of assistance to both the parents, who expect that when their children go to school they will for the most part be in the kind of orderly environment they have at home, and to the students.

I'm very pleased to add my voice in support of this piece of legislation. My colleagues have gone through in detail what is actually in the legislation. The minister is allowed to establish a provincial code of conduct and to establish policies and guidelines about disciplining pupils and promoting their safety. The boards have the ability to do similar things, opening and closing exercises. Access to school premises is to be restricted under section 305, and principals may be allowed to determine who is allowed on school property. The minister also indicated that criminal checks will be undertaken for those who are



responsible for students. There are very clear rules about suspension and expulsion, appeal procedures and so on and so forth. These are very important in giving our students a sense of order, predictability and most importantly, as I said, every ingredient that we can to create a safe learning environment.

As I said at the beginning, all the things we have undertaken—curriculum reform, standardized report cards, new focus funding models—are for naught if at the end of the day the classroom is chaos. Students need to feel safe. They need to feel secure and they need to be able, just as we need to be able to do here in this House, to focus their attention on the matter at hand so that they can learn.

I hope my colleagues across the way will consider that this is legislation that is being brought forward as the result of extensive consultation, and in fact was actually discussed during the election. All of those who voted for us across Ontario understood very clearly and appreciated what our plans would be. Here we are with the legislation exactly as we promised. I encourage my colleagues on all sides of the House to support this in the name of good education. I would like to allow my colleague from Perth-Middlesex a few moments to add his voice in support of this bill.

1630

**Mr Bert Johnson (Perth-Middlesex):** Respect and responsibility are important parts of ensuring that schools in our publicly funded education system are safe. With the introduction last week of the proposed Safe Schools Act, our government is taking the steps necessary to ensure that Ontario's school system is the safest and best it can be. I'd like to put on record that I support this bill wholeheartedly, even though it doesn't address the concerns of 98% of the students in Ontario.

As an example of that, I want to tell you that I got a note a few days ago from Doreen Hall telling me of the production tonight at the Toronto Heliconian Club of a young gal by the name of Sarah Pratt. She comes from my hometown, Listowel. Her mom's a teacher, her dad's a lawyer. This young gal graduated not very long ago from the faculty of music at the University of Toronto, in violin. Doreen Hall some years ago went to Japan to learn the Suzuki method of teaching violin and introduced that to the University of Toronto. Sarah Pratt, a talented young lady, has been accepted at Yale to proceed with her music career.

The reason I bring this up is that this bill isn't for the 98% of the students we find in our school system, like Sarah Pratt. This bill is for those in the system who can't abide by the rules that are set up for the students. I wanted to stand up today and say that I am supporting this bill. I hope others will do the same.

**Mr Gerard Kennedy (Parkdale-High Park):** It is my pleasure to have the opportunity to address this bill. It is of course the limited opportunity that this government deems fit these days to provide for any matter of public legislation. For some reason, we have this limited response, this inability of this government to let its poli-

cies stand up to the scrutiny of the day. I'm happy to also accord some time to the member for Kingston and the Islands and the member for St Paul's to be part of our response.

Several members opposite have stood up and proclaimed, "We said something about this in the election." There's the real clue to what we have today. We have something that none of the members opposite actually had anything to do with because it was cooked up in the backroom, the election boiler pot. We find out that this bill is one of the thinnest pieces of legislation that could possibly be there, a fundamental exercise in disrespect for the education system, for parents, for students, for anyone truly concerned with safe schools.

The disrespect starts with the lack of content. It begins essentially with the title that talks about providing respect and responsibility as if it is something, which too many of the members opposite are coming to believe, that can be determined by fiat, by executive order, by demand from Queen's Park, rather than having to be worked out in the daily struggle that individual schools and teachers have to provide a safe environment in this province.

Not one of the members opposite has so far mentioned visiting a troubled school, dealing with a problem student, doing the job we're sent here to do, which is to understand the problem before we have the audacity to take up the time of this chamber and pass laws. But no, that's not in evidence, and why isn't it in evidence? Because this is just an election ploy. This is just a pretend piece of legislation. What does it actually provide to the students of this province? What does it give to the troubled kids who might be in danger in future years, or in the months ahead, who would encounter those problems in the education system?

Does it offer some possibility of preventing a violent outbreak of behaviour? Does it do that? Does it even deal with any way of mitigating the behaviour that's starting to flare up, say, somewhere in the early grades? It doesn't. It doesn't even begin to address that. It shows, instead, some of the roots of the problems we do have in our schools.

Again, if they'd said, "This is the phony bill we're passing to meet our flimsy election promise," we probably wouldn't have a lot of trouble with it. But this bill instead is called the Safe Schools Act. They take a serious subject and corrupt it for their own purposes, their own threadbare election purposes, and they miss the real concern, the real empathy, the real need that the public is experiencing out there to see something done. They are using and exploiting the situations in places like Taber and Columbine to bring to the people of this province such empty action as to almost form the opposite of what its intent is.

When it comes to the safety of the children and the students who attend our schools, it is the Harris government that requires the code of conduct. Any examination, any fair-minded look, will show that what's happened in our schools in recent years has put children in additional jeopardy. We know that these things are not

to be taken lightly, a government that won't be held accountable for its actions, and we've seen in recent weeks the difficulty we've had in issues concerning the environment. I say to the members opposite, this is not just some election trivia that you're taking care of. This is, instead, our opportunity, perhaps the only opportunity this session, to deal with the serious matter of how safe our schools are and can be for the children now and in the future. This is our crack at it.

And what do we have? What did the best minds opposite, what did the \$14-billion machinery of the Ministry of Education churn out in response to this government's election promise to make our schools safer? Pieces of paper. They say in this proposed law that they will require schools to have written codes of conduct, written codes of conduct that a previous government required schools to have since 1994. Is there a difference? If there's any difference, it's the Soviet-style thinking that infects the people opposite. They want to have the same code of conduct in every darn school in the province. They're not happy to say that certain things should be there, they're not happy to set standards, but instead, they want to write the thing. Why? Because they want to take the easy part of this. They want to do the easy part of being seen to be proactive on behalf of children in difficulty and on behalf of the surrounding and the environment that we're trying to provide for our kids.

They use words—you've heard them already—like "orderly" and "tidy." Throughout history, we've heard those kinds of words from people who labour under the conceit of their big-government outlook—and that's where this government is today. This is a government that has combined school boards, has combined hospitals and now is rolling up, basically, the school boards that are left into one great big Ministry of Education—demanded, -controlled and -mandated activity. That's what they're doing to what used to be local community schools. Instead of delving into the problems of safety in our schools, we have what is effectively a hoax on the people of this province. To call this the Safe Schools Act is to perpetrate a misdirection, a hoax on the people who are actually interested in the well-being of our students.

This act purports to do something on behalf of students. Let's look at the only part of action there is. There's a lot of writing in here. There's a lot of things saying, "you shall" and "you might." There's no enforcement of that. There are just codes of conduct that should be there, and the government is basically shrugging at the problems. What it says it will actually make sure happens is that it will change the nature of power in the schools. It will force teachers to expel students if they happen to hit a certain list of behaviours. Here's the conceit. These men and women sitting in their chairs believe they can write a law to anticipate the situation faced every day by those teachers. For example, swearing—that student's out for the day. They will make sure that list goes up and down, exactly according to how they see it. They put no regard, no respect into the hands of those teachers.

#### 1640

We hear the mealy-mouthed compliments that come from the members opposite. They say many teachers are good. They can't bring themselves to say that darn well nearly all of the teachers we have are dedicated and effective professionals working out of a fundamental base of concern for the well-being of students. They can't bring themselves to say that. This bill reflects that lack of respect. This bill says that teachers can't be trusted to determine what's the best environment for their students: "We won't let them do that because we're the big-government people. We're the Mike Harris government, we know better, and we've put this bill." And here we are today, third reading on a bill that was introduced a week ago, because this government couldn't be bothered. They couldn't be bothered changing—as I say, this is a bit of a scam, there's a bit of not very much going on in this bill and that is its principal sin.

But there is an impact here on two million kids, and that is your inaction, what you could have done, what you should have done. What did we hear from the people who would take this law, from the people who would actually operate in the real world as opposed to the panelled offices that most of these members sit in, the plush chairs that they want to push buttons from and control education around the province? What do the trustees, the supervisors, the directors of education, the teachers—the people who actually have to deal with kids in this province, who will be held accountable if something goes wrong in our schools, if we find ourselves facing the situations that fired off the propaganda machine opposite in the first place with its artificial concern—say to this government?

They say, in a letter that every single education organization in this province signed, that the need for changes proposed in Bill 81 has not been demonstrated. The organizations representing trustees, supervisory officers, principals and teachers are unanimously opposed to suspension by teachers and expulsion by principals. But that doesn't slow down this government one bit. That doesn't even cause this government to say, "We might want to understand how to keep our kids safe." I know the members opposite have children, they have concern for children, but they are caught up in this big-government design and this propaganda need they have. They think they are so clever that all they need to do is call something "safe schools" and that takes care of their obligation.

Your obligation, the obligation of all members of this House, ours included, is greater than that. Your obligation is to understand what goes wrong when a child acts up and violence hits our schools. That's our obligation. There is no alternative way to deal with that serious subject. Lives have been ruined and altered and amended and reduced as a result of things that have happened in our schools. No one can deny that. But what do those people say they want and need to have safe schools? Doesn't that concern you? Don't you want to know? It's not in your bill.



There are the people of this province to whom you would say: "Here are your walking orders. Here is the disdain we pass on to you. Here's the disrespect. Here's the lack of our responsibility. Now go implement it." They said to you: "Stop. This isn't right. You're missing the boat. You're not doing the right thing." And it wouldn't even slow you down. Instead, you sped up. Since that letter was written from the organization, you've actually accelerated the pace of this bill such that you'll pass it today no matter what else happens.

I think I will linger on this point, because the members opposite are not immune to appreciating, especially these days, that should something go wrong in our schools, should there be a problem, should we be faced with a tragedy, people will look at this day as the day we didn't adequately address our preparedness—this is the day, this is the bill and this is the government—where we should have said what we're really going to do to make our schools safer.

Let's look at what the people who actually deal with problem kids have to say about how to deal with the problem and let's measure that up against this government's actions so far. For example, I have a draft paper here from the late, very unfortunately departed Dr Paul Steinhauer, 38 years a child psychologist, a pre-eminent person in his field dealing with problem kids, who has probably saved more difficulty for society, for families and for individual kids than any other person in Ontario before his demise a few weeks ago. What did he say about this government's plan? He said in this draft paper that it was completely misdirected; that this is a government that is missing the primary strategies to be able to deal with violence and kids acting out; that instead, what he wants to see are actual actions to prevent behaviours that lead to violence and lack of safety in schools. Singing the national anthem is not preventing violence and acting out; that in fact shouldn't necessarily be part of a negative-based safe schools approach but rather a civics approach that this government should be approaching in a positive fashion.

Most important, Dr Steinhauer speaks about improving the management of kids' behaviours, that there are many proven ways to do that. None of them is contained in this bill. None of them is enhanced by what this bill purports to do. Instead of actually recognizing that there are opportunities, perhaps unique opportunities, for us to forestall the problems society is going to encounter from the behaviour of children, starting in the youngest grades possible—that's where we can actually make an intervention that could be meaningful, that could prevent problems for society for a long, long time—this government, according to Dr Steinhauer, has gone in the opposite direction. They have allowed child poverty to grow; they have cut special services and special education and social services and children's mental health; they have made subsidized child care harder to get at; they have cut recreation opportunities for kids; they have created a climate where things can only get worse. Instead of dealing with children as identified by

Dr Steinhauer, when they are hyperactive or distractible—some 72% of certain groups of identified kids can have antisocial, aggressive and disruptive behaviour later in life—this government has gone in the opposite direction.

Would that we were only debating and discussing what could be done, the missed opportunity this bill represents. Instead we are obliged, we are responsible—at least someone in this House needs to take the responsibility of making sure that on the record, attending this bill, are this government's own actions, which have reduced the safety of children in this province. The very things that Dr Steinhauer and the other professionals, the people who know and are trying on the rest of society's behalf to deal with violent incidents, to deal with safety in our schools—those very services have been reduced by this government. They've cut the number of child psychologists' hours in the Ottawa board by some 35%. They've reduced social workers by 26%. They've taken out up to 35% of special education in places like Durham, and in places like Halton that has been brought down by a large number. In boards like Brampton, there are now fewer assistants available. In each and every school, this government makes things worse. This government is the same government that would now put an additional load on individual teachers in high schools so they will no longer be as available for on-calls, for hall monitor duty, for making sure that kids are actually safe.

Let's keep in mind that this is not something that we need experts like Dr Steinhauer to tell us about. I think we each know deep down that if we don't accord enough staffing to our schools to deal with those individual situations—I think everybody in this Legislature and everybody watching has been exposed, if not to violence and lack of safety in schools, then to the seeds of it. We know, and we've seen those interventions happen in the past by the principal, by the vice-principal, by teachers and sometimes by specialized people from the board of education. Those people have acted to prevent things from getting worse. Those are the very people who are being pulled out of that position by this government.

We have had a doubling of the number of schools, for example in elementary, that no longer have vice-principals. We have had a huge increase in the schools that don't have full-time principals at all, that have part-time only. We have had a reduction in the amount of time that teachers can spend on the whole range of things in the interests of children's safety.

#### *Interjection.*

**Mr Kennedy:** The member opposite from Brampton is saying something about how that may not be true. He obviously is among the members who haven't visited their school to see what's actually wrong. Not very far from that member's riding is Thistletown school. I want to tell you what the principal of Thistletown school would say to this government: that it is completely wrong for them to take this particular tack, that singing the national anthem will add nothing to help her with the

burden that she has in keeping that school safe, where they have had 11 suspensions. Would that suspensions would solve the world in terms of student safety. Eleven suspensions took place in one week in that school and the principal, Carol Roslin, who runs that school, who is trying to make things safer for her kids, says that this government has it all wrong. But we're here, forced participants in a structured debate, a limited debate, on this hoax of a bill.

1650

The member opposite made this sign—the member for Brampton did this—to say he doesn't care, to say: "On behalf of this government, we wave away those concerns. We don't care what this bill does in the real world. What we care about is what the headlines are. We care about the propaganda, we care about the spin, we care about what our election backroom boys cooked up for us, but we don't actually care what happens to kids in schools."

The difficult thing is that there is no exemption for the members opposite, because they've been whipped—

**Mr Joseph Spina (Brampton Centre):** I'm the father of a student; I'm the husband of a teacher. I know what's going on, so don't hand me that shit.

**The Acting Speaker (Mr Michael A. Brown):** Order. The member for Brampton, you'll need to withdraw that last comment.

**Mr Spina:** I withdraw, Speaker.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Speaker: I was shocked by the swearing that just took place. In view of the fact that this is debatable, throwing people out for swearing, my goodness, shouldn't there be some expulsions when you use that sort of profanity which shocks, I'm sure, everybody in this room?

**The Acting Speaker:** The member for Parkdale-High Park.

**Mr Kennedy:** It is to be noted that the member did swear in this House. He showed us the double standard this government actually has, that it's OK for behaviours to take place on their part, but it's not OK—from these plush leather chairs this government purchased for us to sit on at Queen's Park, there is supposed to be this omniscient view, and who indeed dares oppose that? How dare we stand in opposition to this phony, flim-flam bill? These members opposite don't take note of what Dr Steinhauer has said, they don't take note of what Dr Roslin has said, they don't take note of what students in successful programs like SALC in Etobicoke have done.

There is a publicly funded diversion program in Etobicoke—

**Mrs Marie Bountrogianni (Hamilton Mountain):** On a point of order, Mr Speaker: I ask the member opposite to apologize to the children in the Legislative Assembly for swearing in their presence.

**The Acting Speaker:** He has withdrawn. The member for Parkdale-High Park.

**Mr Kennedy:** There are programs like SALC in Etobicoke for the Toronto board that take 46 students and provide them with an education even though they've

been expelled or suspended, but those programs aren't funded adequately by this government. So what do they mean by this bill when they say automatic suspensions and expulsions? We've learned that part of what they've got in mind is they mean to send people to private boot-camp-type schools. That's what they're holding out to the public. But is there any funding for that? There's none provided by this government.

When they announced this bill in April, they took us to a place in Peel run by the Peel board totally funded by private dollars, funded by what that board had to do on its own to deal with diversion programs because at the core of the hypocrisy of this bill is a government that has made—

**The Acting Speaker:** You might want to withdraw "hypocrisy."

**Mr Kennedy:** I withdraw "hypocrisy."

At the core of the contradictions in this bill, it speaks of respect and responsibility, and this government, if it ever paused long enough to talk to real people, would know that you've got to give some to get some, and instead they would provide for the people who are out there some measure of how these things could actually be made to work.

We've heard of the flagrant disdain for the public that this bill has. We know, for example, that hidden within this bill is yet another violation in this government's attack on the rights of private citizens. This government received a letter from the privacy commissioner and it said to this government: "We have great concerns with what you're doing in terms of this bill. We have concerns with the kind of information you're collecting on volunteers, employees and contractors and on the students themselves." You have not put in place safeguards for the average person. It shouldn't surprise, bother or, I suppose, concern us that this government would forget the average person in this bill.

The privacy commissioner has said that there are solutions to this, that you can define what you mean by safety, that you can make sure the brakes are on and you're not going crazy with this bill, but like other people who have those kinds of concerns, they've been dismissed, like the member did earlier with the back of his hand, because that's what this government is offering to the schools, to the students, to the communities.

We have solutions. We heard them derided a little bit by the parliamentary assistant. We say safe school zones are what need to happen, and they've said: "We won't even look at it. We think somebody else, probably the federal government, will have to do it, so we're not concerned to actually do what the Carol Roslins of this world said." Most of her safety concerns are coming from off the property, probably suspended kids from someplace else, and you want to increase that risk.

Make that school property sacrosanct. Increase the offences for that. Give us a safe school zone. Give teachers and principals something to work with. Don't just take away all the staff. This government has made every single staff person who's useful subject to be cut



because they're outside of the actual needs. The safe school teams we've talked about for the boards and for the schools are eminently doable. We challenge the members opposite: If you stand in your place and pass this bill today, you will be exposed as people who are not concerned about safety in the schools, and to the extent we experience those problems in the future, you will indeed be held responsible for your lack of respect.

**Mr Michael Bryant (St Paul's):** I'm obviously very pleased and honoured to follow the member for Parkdale-High Park. What I want to talk about is how this act not only is really an indictment of our public education system but frankly is typical of this government's approach to matters of discipline, crime and safety, in this case not the safety of our streets but the safety of our schools.

Generally speaking, when it comes to crime this government is all talk and no action. That means they're excellent at holding press conferences. They are excellent at floating issues that gather attention on the talk shows. But they are not excellent at bringing forth legislation which actually makes our streets safer, which actually ensures that people in our community are exposed to less in-your-face crime than they are exposed to right now. In particular, the concern is really a policy of public relations. As the member from High Park said, this is really more about public relations than about public education.

What am I talking about? Well, let's start with the most obvious and shameful part of this act, that we're going to make a difference in our schools by putting forth a code of conduct, which, by the way, already exists. I say "shameful" because the suggestion here is that codes of conduct don't exist—let me talk in a moment about the efficacy of a code of conduct. But we all know that codes of conduct do exist. All the schools I have been to in St Paul's has a code of conduct. All of them do. Has that code of conduct made a difference? I hope it does, and I hope it will. Do I expect it's going to make a great difference? In the absence of the resources to ensure you have the kind of supervision and attention from teachers, from administration, from support staff, in some cases the school psychologist and in some cases simply having somebody to supervise the kids—in the absence of that, obviously the code of conduct is hollow and just a piece of paper. There's no one there both to enforce the conduct, from a retribution point of view, and prevent the conduct as well.

We also have the infamous desire, through this legislation, to require a pledge of allegiance. The government backed down on that. But here was the ultimate PR moment. It obviously got a tremendous amount of media interest, this pledge of allegiance, obviously stolen—frankly mindlessly—from the pages of Gingrich and company south of the border, where pledges of allegiance are commonplace Republican politics. But it was taken out. It was quite an admission by this government to take out the pledge of allegiance. It was a recognition that they had not only gone too far on this one, but they had

gone so far that they had to retreat on that position—not an uncommon tactic for this government to undertake. Nonetheless they had to retreat on this one; along the same lines, mandating the singing of O Canada and having the option to recite the pledge. Obviously, we want everybody to participate in whatever patriotic moment we can have them participate in. There's no doubt about that. Having the national anthem sung in our schools is fabulous. Will it make a difference in terms of conduct? Of course not.

1700

This legislation is a smokescreen to hide their cuts to the classroom that have made our schools less safe. What in this act actually does something about the serious concern Ontarians have with respect to the safety of our schools? And there is a concern; there's no doubt about that. That's why the Ontario Liberals, among other things, proposed a safe school zone. Why? To control the campus, to provide an effective deterrent and to provide effective retribution in circumstances where the problem is coming from the outside. Safe school zones would do something about it.

The member for Brampton—no, it's not the member for Brampton Centre; I apologize. He's gone. Sorry, I'm not allowed to mention that either. The member for Brampton Centre before was making reference in this House to the speech of the member for Parkdale-High Park, and we all know he withdrew the comment when he swore. This is the problem: This government, in their conduct, is not meeting the codes of conduct they want to put in the schools of Ontario, which, again, are already in the schools of Ontario. Will they do something effective by putting in safe school zones? No, they won't do that. I don't know why there isn't an effort to actually put something substantive in bills of this nature, but there isn't. Is there anything preventive in this bill, other than—I guess the national anthem is an effort to be preventive. The code of conduct, as I said, is already in there. Is there any effort to control the campus during the day or afterwards? Is there any effort to ensure there is appropriate supervision and appropriate resources? No, there's nothing in this bill along those lines.

Is there anything in this bill which speaks to the very important efforts that exist in other jurisdictions with respect to youth mentoring, getting to problem kids before they turn to delinquency? In my riding there's an organization called Youth Assisting Youth, which has been extremely successful. It's a non-profit organization which has been extremely successful in matching troubled youth with mentors, young men and women in their teens and early 20s. These mentors are trained. They're given the skills to deal with troubled youth. What they would like to do is go into the schools of St Paul's and the schools of Toronto and have that mentoring program transferred across the province, because it has been so incredibly effective.

Is there going to be an appropriate investment in Youth Assisting Youth? I hope so. I hope similar programs get the appropriate investment. But does this

bill speak to those kinds of preventive efforts? Unfortunately not. Instead, this bill pays lip service to the idea of retribution by giving powers of suspension, but really does nothing about the more important issue of prevention. This would probably be the greatest divide between the approach of the Tory government and the approach of the Ontario Liberals. Their approach focuses exclusively on the crackdown, what to do once the crime has taken place—and much of that retribution and the principles behind it are shared by the Ontario Liberals. We have offered support in circumstances where that has been the case. But we see that there needs to be a greater investment in prevention. This act does none of that.

I would be remiss if I did not also add that one way we can deal with the problem of violence in our schools is by dealing with the problem of guns in our cities. In particular, I've put forward a private member's bill, for which the Premier of Ontario has expressed words of support for its intentions. This would stop all those weapons, which represent 40% of the guns collected by police in Toronto and Ottawa—the statistics are very high in Windsor, Niagara and other cities—from being sold, with no questions asked. Perhaps that would be a way to address what happened, for example, at Emery Collegiate, where phony guns were involved, starter's pistols that can be purchased like candy from a corner store.

We cannot support this lip service. We cannot support this moment of public relations. We hope that the day will soon come where we will see substantive legislation in which we can actually address the issue of safe schools in Ontario.

**Mr Dominic Agostino (Hamilton East):** I want to add to what my colleagues from Parkdale-High Park and St Paul's said in exposing this charade and this phony bill for exactly what it is. I guess what is most astonishing is the inconsistency. I'll use the word "inconsistency" because parliamentary decorum would not allow me to use the words I really want to use to describe what this government is pretending to do in this piece of legislation and in reality what this government has done to help make our schools and our kids safer. It is astonishing when you look at the action that they failed to take. Let's remember, they talk about safe schools. This is the same government that now allows, through its legislation, under Ontario law passed by the Mike Harris government, young people—as young as the pages who sit in front of you, Speaker; as early as grade 6, grade 7, grade 8—to use hunting rifles. It's legal in Ontario for 12-year-old kids to hunt under Mike Harris's government.

**Mr Spina:** Bill C-68 gave them that.

**Mr Agostino:** The member from Brampton is going to swear again. Speaker, the member from Brampton, who earlier in the House swore to express his views, is now justifying why he thinks 12-year-old kids should be able to carry guns. I don't agree with your view, sir, and most Ontarians don't.

This is the same government that has spent millions of dollars of taxpayers' money going to the Supreme Court

of Canada, hand in hand with Alberta and the gun lobby, to fight gun control in this province. This is the same government that talks about safe schools. You make schools safer by taking guns out of the hands of kids, not encouraging them through your action in the Supreme Court of Canada. That is the inconsistency in what they're trying to do.

This is the same government that fails to bring in legislation that stops kids from purchasing pellet guns and replica guns at any Canadian Tire Store or hardware store in this province, and yet they dare talk about safe schools.

This is the same neo-conservative, Republican government that has cut funding from social workers and psychologists and support services for kids in school, and they dare talk about safe schools.

Clearly this phony attempt by this government at trying to deal with a serious problem is an embarrassment, a disgrace and a disservice to young people in this province, to teachers and parents and educators. If you were serious, you would go to court to fight for stricter gun laws, not to fight against gun control in Ontario. Unfortunately, your agenda and that of folks such as the NRA in the United States is pretty consistent. You believe people should have access to guns, obviously, because your actions in the courts tell us that. You believe that a 12-, 13- or 14-year old child should be able to go into a Canadian Tire Store or a hardware store and purchase a pellet gun, because you've done nothing to change that legislation.

If this government was serious about safe schools, they would increase support services. They would ensure that when a young person is in trouble or needs help, we have social workers, we have counsellors, we have psychologists in the school. But you think that's a frill, you think that's a luxury. You obviously don't think that's important enough. Rather than trying to deal with preventing a problem, your agenda is usually coming down with a hammer after the problem. Somehow you think that's good. It makes you feel good. You pound your chest to show how tough you are instead of trying to make the effort. If you look at this bill, there's nothing in here that is preventive. It's all reactionary, after we've had a problem. That's what it's all about.

There isn't a teacher, there isn't a principal, there isn't a superintendent or a director education I've spoken to who supports the bill that's in front of you. Teachers don't want the power you're giving them, principals don't want that power you're giving them, but you're imposing it upon them.

This is a bad piece of legislation. It's a phony piece of legislation. I think the government should do the right thing. They should withdraw this bill if they're serious and bring in some real legislation with support and help for kids rather than taking the big, tough-guy approach. It has failed miserably and it's going to continue to fail.

1710

**Mrs Bountrogianni:** I'm happy to add to the debate, and I'd like to commend my colleagues from Parkdale-



High Park, St Paul's and Hamilton East for their comments.

Right now, if a student misbehaves in a classroom, the teacher can send that student to the office. The principal, in conjunction with the vice-principal, and perhaps the guidance counsellor, will dig up the student's background and make a judgment as to whether that student should be suspended or recommended for expulsion under their own safe schools policy. Every school in this riding has one. Both boards in Hamilton have one. This is really just a replication with a few pretty poorly thought-out additions.

I'll give my opinion as to why teachers should not be allowed to suspend. There are often personality differences between teachers and parents and students. Right now, with the control being centralized at the principal's office, you have a little bit of control or a safeguard against personalities. Because teachers are people, students of course are human, and sometimes what has happened in a teacher's life may interfere in the classroom.

I'll give an example that portrays what has happened since the last time I debated this in my own son's school. A teacher was obviously having an exceptionally bad time with her class that day and suspended eight students. The principal was not in the school at the time and she influenced the vice-principal to suspend eight students. None of the procedures were followed. The teacher had to apologize to the parents in the end. Letters of suspension weren't given out, so there were all sorts of apologies that had to be made, and this is right now where it isn't in law that they can suspend.

Given the stress a lot of teachers are under, both in their personal and their professional lives, these sorts of actions can occur. Having it centralized at the principal's office does control that. It doesn't happen very often, and most teachers would not do this, but some would, and that is one of the reasons I think teachers should not be allowed to suspend.

Another reason is for their own safety. In my former job, I used to do threat assessments and risk assessments for kids. I was very careful in how I worded my reports, where the reports went and the security in my office because of fear of a threat towards me. A teacher who's in the same classroom every day is a sitting duck for the kinds of students we all may be concerned about. I would hate to be in that teacher's position if she's on the hit list of some of the dangerous kids who do in fact exist in our system.

I would agree with the previous speakers that instead of having this sort of after-the-fact legislation, I'd prefer more preventive programs in the schools. There is a part right in this act that says, "The minister may require boards to establish and maintain specified programs, courses and services for pupils who are suspended." I would agree with that, but those programs are very expensive. We tried to institute one in our board about four years ago. We didn't even recommend it to the board because it was too expensive; we knew we didn't

have it in the budget. These students require a lot of resources, yes, but it's worth it because in the long run they will save us a lot more money by not being incarcerated later on. Of course, I'm speaking only of a very small percentage of students.

As well, the other reason why teachers shouldn't suspend is because that makes the principal Big Brother. According to section 306, the principal has a duty to suspend "a pupil who commits an infraction ... unless a teacher has already suspended the pupil." Are we going to have video cameras in schools now, being Big Brother to teachers, making sure they're suspending kids who deserve to be suspended? It's a ludicrous act. I think the member from Parkdale-High Park said it best, that probably its biggest sin is the fact that it doesn't add anything. But given my experience with some of the students, it may even put some of our teachers in danger, on certain children's hit lists, for suspending or recommending for expulsion.

Principals right now can suspend, and should be able to suspend of course, but they can't expel. There's a whole procedure for expulsion. For the same arguments that teachers shouldn't suspend, principals shouldn't expel. It's for their own safety, as well as for the safety of the teachers and the other students in the classroom. All of the killings that have occurred south of the border, if you look into the background of those students, they were in some way ostracized and thrown out of the school environment. This does not address that issue.

**Mr Kormos:** Mr Speaker, I'm going to share this time with the member from Trinity-Spadina, Mr Marchese.

**Mr Marchese:** Why would you do that?

**Mr Kormos:** Because you begged me to. You threatened, you cajoled; you told me, Mr Marchese, that you would become my worst nightmare if I didn't give you at least a few minutes of time. That's why I'm sharing it with you. Mr Marchese has been travelling this province dealing primarily with Bill 74, because of course the government hasn't permitted any hearings, but peripherally, in terms of consultations, with Bill 81.

I was going to use but a few minutes to use this opportunity to speak once again to the parliamentary assistant about the situation in Thorold Secondary School and the air cadet squadron, and I will, because I think it's important that that message be conveyed, as we're dealing with a deadline of July 1, as effectively as possible, with the hope that this Ministry of Education might see fit to intervene. It's very much relevant to this call for a code of conduct and so-called safe schools.

I was going to restrict my comments to that had it not been for the irony to which we were exposed but moments ago. I confess I was feigning shock in response to the swearing of the member for Brampton. I seized the opportunity, as a cheap political shot, to feign shock and indignation that the member for Brampton would use a swear word so audibly and in anger in this Legislature. It was one of George Carlin's seven, but it wasn't the big one. It wasn't the one that still remains somewhat unspeakable, the one that is both a verb and a noun and an

adjective and an adverb. It was the one that I usually preface with "bull" or "horse."

**Mr Spina:** Oh, feathers.

**Mr Kormos:** Quite frankly, yes, the member should have learned from me that they can be so easily sanitized by simply saying "bull feathers" or "horse feathers." Then it would no longer qualify as swearing.

Now, I understand. I've had occasion, I recall, over a dozen years now, to use my whole repertoire here at Queen's Park. No two ways about it. I confess. I've gotten angry too, as the member for Brampton got angry, and as I say, I have exhausted, I'm sure, the full repertoire over the course of 12 years.

Let me tell you about the irony here. I had one of the pages bring down the Oxford English Dictionary, volume 9. This particular swear word dates back to the times of Chaucer. It was originally spelled with a "y" instead of an "i," but I'm sure Hansard will record Mr Spina's intervention currently spelled with an "i" as compared to the Chaucerian "y."

The irony of it is—and please listen—that section 306 would make this a mandatory suspension. Take a look at the bill. There is no discretion on the part of a teacher. It is mandatory that a pupil be suspended for swearing.

**Mr Tascona:** At a teacher.

**Mr Kormos:** Well, who else are you going to be inclined from time to time—Mr Spina was upset with Mr Kennedy and exposed the member from High Park etc to that swear word. Mr Kennedy is a representative of the people of his riding. He's one of only 103 people who have an opportunity to serve in this chamber at any given point in time. I would consider Mr Kennedy, as any of us, to be persons in authority in so many respects. That's why I raise this.

I appreciate that the member withdrew it, as he should have, and I have no quarrel with it. I don't even have that much quarrel with the fact that he said it but for the fact that, my God, he's lauding this legislation: mandatory suspensions, no discretion, person in "authority." Please, read the bill. You've got to read the bill before you vote on it, don't you, guys? I suppose not when you have Coles Notes from the Premier's office, the cheat sheets, the speedy reads. The only off-the-cuff comments today were in fact from Mr Spina. Unfortunately, those contained an obscenity.

1720

So, to Bill 81, I agree: bullfeathers. It's what it is. It's a con. It's a scam. It's just another pile of bull. It's an effort, as has been noted so many times, to create an impression that "We're going to get tough" on this mythology—because it is, by and large. You create this urban mythology of the Canadian and Ontario Columboes. Again, you create a crisis à la Snobelen, right? It's historic with this government. You create a crisis and then you purport to solve it.

I have been in many high schools in this province. Unlike the member for Brampton, I haven't spent 12 years in one. I don't know what your academic problem was, Joe, but I tell you—

**Mr Spina:** On a point of order, Mr Speaker: What I said was that I spent 12 years in a classroom, not in a high school. Come on.

**The Acting Speaker:** That is not a point of order.

The member for Niagara Centre.

**Mr Kormos:** But it remains, member for Brampton, you exposed some of the frailties of the bill today, and I say that to you in all seriousness, by supporting this legislation which has zero tolerance for swearing. I understand there are certain areas for which there is probably zero tolerance in the Legislature too: weapons, violence. But clearly the Legislature doesn't have zero tolerance for swearing. You didn't get thrown out. But you see, the kid in the school doesn't have a chance to say, "Teacher, I withdraw."

*Interjection.*

**Mr Kormos:** Oh, please. Bullfeathers, Mr Runciman. But it was a delicious little bit, here in the afternoon at Queen's Park, and it will go down as one of Mr Spina's bons mots. Did I say that right, Mr Marchese?

**Mr Marchese:** "Bons mots." C'est bien.

**Mr Kormos:** Let's move from that. I'm glad the parliamentary assistant is here, as he has been. You know, Parliamentary Assistant, and I talked about this last week—again, you talk about your code of conduct. Down at Thorold Secondary School, the 128th air cadet squadron has been hosted by that school for 58 years now, in a partnership, since its origins back in 1942. Over the course of those 58 years, scores of young women and men annually have graduated from their ranks and participated at the junior levels of the air cadet corps. Thorold high school has an asphalted area that they use as a parade ground in good weather and for their annual parade, which I have attended for many years now. They use the gymnasium inside. Back in 1986, they actually built with their own materials and labour a squadron room and a storage room. They are welcome guests at the high school. They have become part of that high school culture. There's an incredible level of volunteer participation, both in the uniformed and non-uniformed areas.

Two weeks ago, they got notice that they would now be required to pay almost \$12,000 a year rent to use Thorold Secondary School. Their annual budget is only some \$6,000, \$7,000 or \$8,000, which, trust me, they exhaust. It's a modest budget to begin with. You're talking about young women and men, almost all high school students, with the enthusiasm, discipline and commitment to meet twice a week and participate in any number of community events.

They compete with each other to get sent off to any number of locations for summer training, everything from pilot's licence to air gliding and other sorts of training sponsored usually by the federal government—fair enough. They are now going to lose their historic home at Thorold Secondary School. Don Reilly, the chair of the District School Board of Niagara, is quoted as saying it's a result of the changes in funding to the board, that they can no longer afford to absorb the maintenance



costs, the cleanup costs, and so on that are associated with having the air cadets there.

People in the city of Thorold have been rallying to try and find another home for the air cadets. I'm confident they will if they have to, but there's going to be nothing as suitable as Thorold Secondary School with its huge gymnasium to use as an indoor parade square and its huge outdoor asphalted area. It's right in the inner city so it's accessible to all the young people participating in the squadron.

Also it terminates a significant history. I think we, in this government, should be encouraging schools to form those types of partnerships, as they have for 58 years now, with the Royal Canadian Air Cadets and its squadrons.

It was a healthy, positive thing. It was good for Thorold Secondary School, it was good for the air cadet squadron, and most importantly, it was good for what now amounts to thousands of young women and men who have gone through that air cadet program, be it only for a season, but most of them until they reach the age of retirement from air cadets.

That squadron has produced some incredible leadership. Some of it has come back to Thorold and the Niagara region. Other young people who've gone on from the air cadet movement and into any other number of careers display that leadership and are renowned throughout the province. I say to you, Sir, code of conduct: I'll tell you, as I told you last time I spoke to Bill 81, we've got a code of conduct down in Niagara. Kids get suspended every day; kids get expelled.

I quite frankly feel uncomfortable because I haven't heard any teachers say yet that they want the power, least of all to mandatorily suspend. They appreciate the distancing, to be able to refer a problem kid to the principal. Those roles are being muddled as well. It's sort of a separate argument—the stress from the de-principaling of schools, the absence of vice-principals and so on. It is, for a whole lot of reasons, very healthy for a teacher to send a student to the principal so that the principal can deal with it in a more objective way.

Teachers understand that they get caught up in the heat of the moment as well. They lose their tempers—of course they do. Heck, under these circumstances one understands that, with the pressure that's on teachers. Yes, I have concerns and I think most teachers have concerns about being obligated to mandatorily suspend, with having to assume that role of disciplinarian when that role has traditionally been the principal's, and that role has worked well—I guess it's almost a division of powers.

You talk about safe schools, code of conduct, doing things to straighten up kids and prevent them from falling by the wayside. I don't think there's a person in this chamber who isn't going to support that proposition, but I'll tell you, down in Thorold the 128 air cadet squadron has done that very thing in partnership with Thorold Secondary School as its home base. We should be, and this government should be, encouraging and facilitating

the utilization of school facilities by air cadet, sea cadet, army cadet programs, Boy Scouts, Girl Guides, all those other sorts of community-based programs, recreational programs.

Yet what we're witnessing is an accelerated increase in the imposition of user fees by boards on these various parties. I can only tell you what the board has said publicly: that they're compelled to do it down in Niagara, that they can no longer host the air cadet squadron because of the changes in funding by the government, that they simply do not have the budget any more for the maintenance upkeep that they say they would require and that means having to charge the air cadets \$12,000 a year which means the air cadets are out of there.

**1730**

I hate to see this. I don't want to sound like a doom-and-gloomer. I hope that doesn't mean the end of the 128th squadron. It would be so convenient, I suppose, for some people in Niagara to talk about merging some squadrons, like megacity sort of stuff. No. The 128th squadron, with its incredible history, deserves to keep its home. In my modest participation in this debate, I want to impress upon you the need for the Ministry of Education, this government, to intervene promptly down in Niagara to ensure that those young women and men in the 128th air cadet squadron are able to maintain their historic home of Thorold Secondary School. There's a great relationship between the two. The two supplement and benefit each other.

I don't think it stands alone, because I know of other schools which have been the host for any number of activities, as I talked about—youth activities, recreational activities, using the gymnasiums for basketball courts and so on—where the increasing utilization of user fees has forced especially young people out of those activities. I bet you that those activities that I listed, air cadets all the way on down, are a heck of a lot more effective, really, than codes of conduct by themselves, whether the codes of conduct we have now that have been implemented virtually across this province by any number of boards of education or the one that you propose. With those programs like air cadets, army cadets, navy cadets, Girl Guides, scouting and sports programs, you get a far better bang for your buck, no two ways about it.

To the parliamentary assistant, I ask you to help me and, more importantly, those young air cadets and their families deal with the board of education down there and I ask you to ensure that this government does what it has to do to keep that squadron in Thorold Secondary School.

**The Acting Speaker:** The member for Trinity-Spadina.

**Mr Marchese:** You see how, as good socialists, we share our time? I want to admit to another human frailty of mine, because I always aspire to some form of semi-divinity. Behold, human frailty.

First of all, I want to say hello to my niece Celina Marchese, who is watching this parliamentary channel. She's only five years old. She wanted to see her uncle today.

*Interjections.*

**Mr Marchese:** I wanted to say hello. Peter Kormos says hello, Celina. The government members say hello.

**Mr Kormos:** Aw, they're just being opportunists.

**Mr Marchese:** They're being nice. From time to time they're nice.

With respect to this bill, have you noticed that when they speak to this bill, they never make mention of the code of behaviour the New Democrats brought in in 1994? Have you made that observation? Most of you haven't spoken, because it's the same old crowd speaking in this place, at least from the government benches. When they speak to this bill, they don't say, "In 1994, the New Democratic Party brought in a code of behaviour," and that it was either good or bad or indifferent or that you're indifferent to it. There's no mention of the code of behaviour, not once. Why is that so? Good citizens of Ontario, why is it, do you think, that they never mention the code of behaviour? It doesn't matter who brought it in. It was our government who brought it in, right?

**Mr Kormos:** The government.

**Mr Marchese:** The government. It was an intelligent piece. It was comprehensive. As far as I know, every board in Ontario has a code of behaviour. I've not been disproven. I'm assuming that every board has a code of behaviour in place, as we had determined in 1994. Was that code of behaviour good or bad? Speak to it, members of government.

**Mr Spina:** It was good.

**Mr Marchese:** It was good, Joe Spina, member from Brampton? It was good. OK.

**Mr Spina:** Not enough.

**Mr Marchese:** Not enough. So this is the point I want to make: If the code of behaviour were good, member from Brampton, then why not just fix that? Why put into place something else that is very much similar? I'm not quite certain of the nuances. There are some, such as that parents can decide to have a dress code, so they'll have uniforms and the like. When the minister originally made the statement on April 24, I believe she said that everybody will sing—all immigrants will sing—a pledge to the Queen. That's why I was infuriated at the time, and that's why Mr Turnbull, the member for Don Valley West, got so angry at me. That's what the minister said at the time, that all the immigrants will sing a pledge to the Queen. It infuriated me because it made me feel that I, as an immigrant—that wasn't there when I came—am not a good Canadian, and the way to be one is to sing or recite a pledge to the Queen. I thought that was very odd because I didn't think to be a good Canadian I needed to recite an oath to the Queen, surely. I was incensed, infuriated, at the stupidity of the idea. Since then, the government and the minister have learned much and have now not made it mandatory any longer. Schools can, as an option, decide to do that still.

There are some things that are in this code of conduct that are slightly different. But to change the essentials of the code of behaviour—does it do that? It does not. I'll tell you what it does. Good citizens of Ontario, this is not

a debate we're having in this place. It's never a debate. The debate is between us and the public as to whether you believe us or you believe them. That's the debate. There's no genuine debate in this place. They have their bill, they carry their position—very dutifully, I would add—and they carry it through. They have the usual members who make the speeches, assisted by the Premier's office, no doubt, and they do what they are told to do.

I want to tell you the title of the bill. The title of the bill, as usual, is very instructive. It's called An Act to increase respect and responsibility—I don't know about that, but it doesn't matter. You don't have to read the bill; just read the title. It's about respect and responsibility, to set standards for safe learning—remember, we have the code of behaviour; I guess it's inadequate—and safe teaching in schools, meaning we're helping those poor teachers whom we are about to whack with Bill 74. We beat them around with a cane from here to the end of kingdom come and then we introduce a bill that says, "This is for you, teachers, because we think you need the help." Right? You've been chasing them around the block, all around Ontario, and then you say: "But we like you, if not love you, and we've got a bill for you because we want safe schools and we're going to give you the power to suspend. You've been asking for it, so here it is." As if it makes up for the—I was about to say "evil," but the ugliness of Bill 74, which many of us detest, not just teachers but students, trustees and parents, at least those who understand what goes on in the system.

As if the title—see, the point of it is, we need a new code of conduct. Why? Because we need to make people feel good, right? Give them the impression we're doing something different, that we're about to create a new discipline in the school system that has been lacking for decades and decades, and finally the king of lucidity, the Premier, and the other bright lights come with a code that when misbehaviour happens, it will be dealt with. That's what this title is all about.

I read inside the bill, page 2, and observe. Listen closely to what it says:

"301(2) The following are the purposes of the code of conduct."

When you read through this, you don't see the connection between the stated objective and the substance of the bill, but here it is:

"1. To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity." Right? Because we love teachers and teachers are so badly treated, not by this government but by students, that 1 is intended to make sure that teachers are treated with respect. It's odd. It's a curious mix of contrasts. We beat up the teachers on a daily basis and then we say here in Bill 81, "To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity." All along Bill 74, you're chasing them around the block with a big long cane, and



then you bring in number 1, that says they need to be respected. It's curious, no?

"2. To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community." Oh, yes, that's why we're having no hearings on this bill. Isn't that what citizenship is all about? Citizenship is about silence. Citizenship is about making sure you stay at home relaxed. You don't even have to watch the parliamentary channel. You don't even have to read bills. You don't have to do a thing. Citizenship means the government does it all for you. It's an active process.

1740

**Mr Kormos:** And does it consult you?

**Mr Marchese:** They don't have to consult, because they did it already in 1995. They don't have to for three or four more years.

**Mr Spina:** Tell us about the hearings for the social contract.

**Mr Marchese:** I didn't know we were dealing with that bill. Are we? Wasn't that a long time ago? Joe, let me go on, will you? And no swearing allowed, all right? Just remember, the code of conduct prohibits you from swearing.

*Interjection.*

**Mr Marchese:** The member from Don Valley North, I'm continuing here with the purposes of the code of conduct.

"3. To maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility."

You really need glasses for that one, I tell you.

**Mr Kormos:** Is that the fine print?

**Mr Marchese:** It's very fine. "To maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility." It's the way this government operates on a daily basis: "We respect each other. We consult each other. We consult the public. We consult and respect the teachers." Right? All the while we cane them from here to the other end of the world. I'm surprised they haven't brought in caning in the province. Scary thought.

**Mr Johnson:** Say that again?

**Mr Marchese:** I'm surprised you haven't brought in caning as a discipline idea.

"4. To encourage the use of non-violent means to resolve conflict."

"5. To promote the safety of people in the schools."

"6. To discourage the use of alcohol and illegal drugs."

OK, that's Bill 81, the objectives of the code of conduct. Then you read through the rest, it's got nothing to do with anything that deals with any of the purposes stated therein; nothing. The rest is all to do with punishing, how we punish those unruly young kids, making sure that as soon as they express any feelings that are contrary to the code, they get expelled or suspended immediately, because that's how, magically, we make it go away,

right? You just magically make it go away: You suspend them. It's beautiful.

*Interjection.*

**Mr Marchese:** Bullying? Mike Harris. That's how you spell it.

**Mr Brad Clark (Stoney Creek):** I'm talking about real bullying.

**Mr Marchese:** You asked me, "How do you spell 'bullying'?" and I said, "Mike Harris."

That's the bill. The code of conduct is nothing new. If the government was interested in doing something about real problems, they would deal with and tackle the problems that I think we need to speak to, and that is: We need early childhood education, learning dealing with children who have mental illness and making sure the services are there, services you have cut. Resources for schools are desperately required, those which you have cut. We need more, not fewer, teachers, which is what Bill 74 will do. It will fire 2,000 teachers, making supervision in our schools, by the way, much more complicated, because the fewer teachers there are, the fewer to do supervisory kind of roles during lunch, during other times when it may be required. Talk about safe schools: If teachers don't have the time to supervise because they're always in the classroom, our schools are not going to be much safer than they profess. Special needs professionals are needed. We have fewer than ever before, but we need more. If we want to deal with this problems that children will expose themselves to and therefore bring the problems into the school, we need to deal with issues of poverty and with issues of housing, many things that are desperately wanted but that they are cutting.

That's why I often refer to the billion-dollar boondoggle. To buy people's votes for 200 bucks is perverse. You're buying people's votes for 200 bucks. In the aggregate it's one whole billion dollars. Imagine what you could do with \$1 billion. All the while you have the government crying that we don't have any money and that we are not wasting money like previous governments, that we want to give our money for tax cuts and therefore we don't have any money for the services I have mentioned.

Speaking about other cuts, let me go through it again, because it's instructive. In Windsor-Essex, there are 1,000 children on the waiting list for mental health care. The rate of referral is a shocking 37% among these children. In Halton, teenagers wait six to 18 months to see a psychiatrist. In 1998 the Ontario child advocate estimated that 80% of youth in young offender facilities have mental health problems. In 1995 the Harris Conservatives eliminated funding for 64 community youth support programs serving young people between 15 and 20 years of age.

It was all to pay for the tax cut, and then they have no money. To help pay for the tax cut for the wealthy the Harris Conservatives eliminated funding for adult and family counselling in 118 programs. There were almost

30,000 more poor families in Ontario after one year of the Harris Conservative government.

This is a long list of cuts.

**Interjection:** That's an indictment.

**Mr Marchese:** It's a short list because we don't have time. It's an indictment of this government. Are you kidding? They create the crisis by cutting the services people need, and then to solve the problem, as you were saying, member for Niagara Centre, they then bring in Bill 81 that says as soon as we have misbehaviour they will either be expelled or suspended—a magical solution.

We don't prevent it by making sure money is put into those programs to make sure you have healthy families and healthy children who are able to come into a healthy environment where they can learn. We don't do that. We take the services away, making it harder on children, therefore bringing their discipline problems into the school, and to solve it we say they will be suspended or expelled when they misbehave.

It's brilliant. You create the crisis and you solve it through a discipline-related kind of bill. That's what this bill does. It's punitive. It has nothing to do with prevention, intervention or mediation initiatives whatsoever. There is not one initiative mentioned in this bill or anything they have done that mediates, that deals with intervention or that does prevention. The most perverse thing of all is that they know this. They know what they're doing. That's why I say it is insidious in nature. When they knowingly do something that doesn't solve the problem but compounds the problem, I say it's subhuman, it's insidious, it's perverse.

I know some members don't like to hear these things, but maybe they want to hear it from a person who has been an educator since 1960, a teacher, a curriculum coordinator, a principal, a superintendent and a director of education. He says that when Bill 74 is proclaimed he will resign. But he speaks—

**Mrs Elliott:** This is Bill 81.

**Mr Marchese:** I appreciate that this is Bill 81; I appreciate, former minister, what you are saying. I'll bring you back to 81.

The title of it is this: "Response to Ecker's Statement on School Code of Conduct." So here's a whole page on that and another page on Bill 74.

**Mr Kormos:** Now she understands.

**Mr Marchese:** Do you understand that? I see you nodding. Therefore we're on the right track. Here's what he said.

1750

*Interjections.*

**Mr Marchese:** S'il vous plaît, calmez-vous.

"Our province has suffered through some very traumatic events." This is not me speaking; it's the individual I will identify in a second. "It's disturbing to see the callousness of the Conservative caucus. It is of great concern to me that a government that denies its responsibilities in the Walkerton tragedy, is found in contempt of the Legislature for obstructing the investigation of the privacy commissioner and puts tax cuts ahead

of the protections and services that regular folks need is pretending to teach students how to behave." Powerful.

"It looks to me like the people most in need of a code of ethics are the members of the Conservative caucus, starting with the Premier. How can you possibly pretend to have lessons in respect and good conduct for the youth of this province? This code of conduct legislation is really a decoy for your real purpose: cutting the number of teachers and educational staff in our schools. A government that deliberately cut violence prevention from the school curriculum has no credibility when it comes to solving youth violence."

You remember that in my previous speeches I made mention of this, but he reminds me and reminds you, in case you good citizens don't believe me.

"No educator in the community asked you to give teachers the right to suspend, and principals the right to expel, students. Principals and vice-principals always played this role, providing fairness and accountability. Once a student is expelled, there are no existing strict-discipline schools the way you define them and few supports in place to help children who have been expelled. The problem will only be moved elsewhere.

"The Eagle project of the Peel District School Board program pointed to by the minister is completely supported by private funds." There is no public support for that. "Further, once the student is expelled, there will be no legal obligation for the student to attend the alternative program.

"This legislation is really about demonizing our young people for the sake of scoring political points and taking the public's attention away from your sinister education cuts."

Good citizens of Ontario, the person who wrote this is Mr John Borst, an educator since 1960, a teacher, curriculum coordinator, principal, superintendent and director of education. I think you need to listen to these voices, because if you don't believe politicians in opposition, you need to believe people like that.

I've got to tell you, there is actually no evidence that school violence is getting any worse, none whatsoever. By the way, boards of education, directors, are required to give you that information. If you have that information, and I assume you do, and it could be shown or proven that school violence was getting worse or out of hand, I have no doubt in my mind you would have published that. But the results are not like that. There is no evidence to show that school violence is any different than it was 10 years ago, but that's not your purpose, is it? The purpose is not to bring forth evidence; the purpose is to demonize young people. The purpose is to make them believe that you are dealing with violence problems in our schools and that Bill 81 will do it. That is your purpose. That's why I say it is perverse, because you know exactly what you're doing.

We've always had these problems. Under the current rules, you know that principals are required by law to call the police in the event that someone brings a weapon to school, is dealing with drugs, assaults another student



and/or teacher, and the like. These activities are being dealt with at the moment through the code of behaviour brought in by New Democrats in 1994, yet you make it appear like you're doing something radically different. You make it a very punishing and punitive agenda. Contrary to your stated purpose that I read out earlier on from the bill, it does nothing of the sort.

I have mentioned twice in my previous speeches Dr Steinhauer, who sadly died a couple of weeks ago. He was the one who alerted me to this. He says, "All the government cutbacks to schools and social services are causing a significant increase in the number of kids behaving in a negative and disruptive manner." He reminds us of this as a specialist in the field. He's saying, "You are causing greater problems, and you're not solving them by punishing them and throwing them out of the schools." The few teachers who are in your caucus ought to know that you don't just magically send the problem away; you don't magically suspend it. It comes back unless you deal with it. Unless you deal with a problem, the problem continues and you only aggravate it by suspending them. It's quite obvious, but you know that, don't you?

#### *Interjection.*

**Mr Marchese:** They do know that. What you also know is that this diverts attention from the cuts you have made, which I have mentioned. It diverts attention from the real problems, in this case the lack of help for kids at risk. The kids who are desperately reaching out for help don't know where else to turn. All they've got is a teacher and a school system that might reach out to them, and what you have given them are the tools to suspend them or to expel them. That's the only language you speak in this bill.

It's a pitiful way to do politics. It's sad and depressing. Placebo politics to make people feel you're doing something, when in fact you're doing the opposite. You're causing the erosion of our social system. You're causing an erosion, a diminishment of it, and then you solve it by punishing the very victims you have victimized. It's truly sad, depressing and pitiful. All I can hope is that the public won't take it much longer. Sadly, we've got three more years until their end, until their demise. Can't wait.

**The Acting Speaker (Mr Michael A. Brown):** First, I have an announcement. Notice of dissatisfaction: Pursuant to standing order 37(a), the member for Timmins-James Bay has given notice of dissatisfaction with the answer to his question given by the Minister of Natural Resources concerning 21-day camping. This matter will be debated at 6 pm.

Pursuant to the order of the House dated June 12, 2000, I'm now required to put the question.

Mrs Ecker has moved third reading of Bill 81. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

Opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

I have a letter from the chief government whip which asks that the vote be deferred until routine proceedings tomorrow.

### ADJOURNMENT DEBATE

**The Acting Speaker (Mr Michael A. Brown):** The member for Timmins-James Bay has up to five minutes.

#### CAMPING

**Mr Gilles Bisson (Timmins-James Bay):** Mr Speaker, I don't plan on taking five minutes. I just want to try to put this issue into some context to, I take it, the parliamentary assistant as I don't see the minister—actually, the minister has come in.

Earlier today, the minister responded to a question in the House from his own back bench saying he wanted to encourage people in Ontario to utilize provincial parks, something that I understand, and I agree philosophically that our provincial park system is a good one that we should be proud of. But when I listened to the answer unfold, it almost sounded as if the government and the minister were trying to put an emphasis that maybe that's the only way we should do camping within Ontario, and it brought me to raise in the House the question in regard to what's happening with the policy that MNR has started to enforce this year, which is to limit people's ability to camp on crown land to 21 days total.

Let me put this into context. There has been a policy within the Ministry of Natural Resources for some years that says you're not allowed to camp more than 21 days cumulative on crown land. No government up to this point has enforced that policy. I believe it was put in place by the Conservative government of Bill Davis and was not enforced either by the Peterson Liberal government, the Bob Rae government or in fact the first term of the Harris government, because we all understood that policy was meant to speak to those areas that have high concentrations of usage. Where there are places in Ontario where there is large competition to camp on crown land, that policy was there for MNR to utilize to try to give a bit of fairness as to how we deal with crown lands that have a lot of pressure on them.

#### 1800

What we're talking about here in northern Ontario are not crowded pieces of crown land. We are talking about remote pieces of land in northern Ontario, in my riding of Timmins-James Bay, in Kenora-Rainy River, in Nickel Belt and others, where people are going out to camp on land. For example, I was talking to a gentleman just this afternoon who called after he saw my question in the House and said: "Gilles, I live in Kapuskasing. I go camping with my trailer on the Kapuskasing River. I'm the only camper in that area. I am not even up against the river; I'm about 200 feet away from it and I don't restrict access to the river. I'm not bothering anybody. I'm out on my own. I've been there for six years." MNR has

gone in and said to that person: "You're out of here after 21 days. You have no more right to camp in this particular area." I said to that gentleman, "That's wrong." The government, certainly to God, has to understand how we utilize this old policy: to only enforce it in those lands that have high pressure. But in the multitude of land in northern Ontario where we haven't got a big pressure on areas for camping, the ministry, in my opinion, should not enforce that policy and should allow people to camp and utilize the great outdoors for what it's meant to be.

I want to go back to the Minister, and the reason I raise this question by way of this late show question tonight, is to say to the Minister of Natural Resources: "Don't tell me it's a policy that's been there for a long time. We know that." Don't tell me, as you tried to tell me this afternoon, "Why didn't you deal with this when you were in government?" Listen, we never had a problem because we understood that policy was there for the MNR to utilize in cases where there was pressure on particular pieces of land. But what's happened now is that the ministry has decided to apply this policy across all crown lands. I think that's wrong. Certainly where there's a lot of pressure on a particular camping area, I could maybe understand why the MNR would want to do that, to promote fairness for campers to utilize and to get into those areas so that not all the same people are there all the time. That I think most people would accept as fair. But what you're doing in the case of this particular policy is applying a blanket policy now across the province, and it doesn't work that way.

I have a multitude of campers who have come to me from in and around my riding of Timmins-James Bay, from the Nickel Belt area, and I've had some calls from Kenora-Rainy River, from Thunder Bay area, from the Kenora area as well, who have said: "Listen. We are camping in an area where there isn't a large amount of pressure on the land. We are one or two campers. Other people are not restricted from getting access to those lands. We're not bothering anybody. There's no added pressure. We take out our garbage. We take good care of the area. We haven't had a problem up to now, but now the MNR is telling us we have to move." They're only allowed to park on that particular land for 21 days cumulative. So that means to say if I have a trailer and my good friend Peter Kormos is a part owner, we get a total of 21 days between the two of us to camp on that particular piece of land. That's unfair.

I question the Minister of Natural Resources. I know the minister is a fair-minded individual and I call on the Minister of Natural Resources to do the right thing and to tell the MNR officials to only enforce that policy in extreme cases where there is a large amount of pressure on the land and not enforce a blanket policy across northern Ontario that, in the end, is going to penalize people and push people into provincial parks and paid campsites.

**Hon John Snobelen (Minister of Natural Resources):** I thank the member opposite for the opportunity to address this question earlier today and again this

evening. I know the member opposite is familiar with the various regulations in the Ministry of Natural Resources, and he's also very familiar with the camping available at parks and the fees attached to that. He's probably very aware of the private recreational properties that are allowed under permit by the ministry under a land use permit, and there are many of those across Ontario—hunt camps and these sorts of things—basically permanent structures done under permit by the Ministry of Natural Resources.

What we address today, though, is a different situation. It's not the use of a park for camping, for which there is a fee, or the use of crown land on a long-term basis by use of a land use permit. Instead, it's the use of public land for camping on a regular basis. The ministry, as the member points out, has had for some time a 21-day limit to the amount of time any one person might occupy that land.

The member has correctly pointed out, and I think he agrees with this policy where it applies to particular camping sites that are very popular and that might have some demand. We have been asking the ministry as a result of the member opposite's inquiries—both today and prior to today, I might point out, he has made this inquiry to me—as to what the enforcement is on this policy, how we are going about enforcing it and what brings it to our attention. We will do that. I think the member opposite raises an issue that is an issue for his constituents.

I would like to point out, however, that there is another viewpoint in constituencies across northern Ontario. I'd like to read very briefly a letter to the Timmins Times on May 27 of this year. It goes like this:

"I for one ... am in favour of a 21-day camping limit. There are basically only 15 weekends in the summer for me and my family to enjoy. Both my wife and I work and therefore cannot get out during the week. Some weekends the yard work has to be done." I think that's a good point in the letter. "I am lucky to go out camping maybe 10 weeks in the summer, and on weekends only. That is well within the camping limit.

"Before I was transferred to Kapuskasing three years ago, I never had a problem finding a remote lake with an accessible boat landing. It was relatively easy to pitch a tent for the night, get firewood from a clear area along the way and generally have a good time.

"I moved back to Timmins last June. After a hectic move, we decided to get away and go camping. Well, that was a disaster! Every one of my 'secret spots' had a camper trailer set up, making it almost impossible to dock my boat, park or even turn around. And the trailer campers stand there and look at you like you're some kind of trespasser, invading their personal space. Other spots where there were no trailers set up were littered with garbage, nails, broken glass and half-built shelters. The forest is for all of us to enjoy. There are a lot of trailer campgrounds sanctioned. Put your trailers there, or haul them in every weekend. First come, first served."



To complete the letter: "Anyway, I will probably stay close to provincial parks from now on and let the freeloaders have the forest as there is no thrill in camping with strangers who don't want you there. I am trying to get away from stress—not create it."

That's from Mr Robineau in Timmins, in a letter to the Timmins Times. I bring that up not to validate that point of view or another point of view, but merely to say that there are two issues here that need to be brought to balance. That's the purpose of the Ministry of Natural

Resources. I will take the member's concerns to the ministry—we already have—and hope that we can find a proper resolution. I thank him for bringing it up again today on behalf of his constituents.

**The Acting Speaker:** There being no further matters to debate, I deem the motion to adjourn to be carried. This House stands adjourned until 6:45 of the clock this evening.

*The House adjourned at 1808.*

*Evening meeting reported in volume B.*

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**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Guelph-Wellington	Elliott, Brenda (PC)		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion	Mississauga West / -Ouest	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles
Halton	Chudleigh, Ted (PC)		
Hamilton East / -Est	Agostino, Dominic (L)		



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Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister without Portfolio / ministre sans portefeuille	St Paul's	Bryant, Michael (L)
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stoney Creek	Clark, Brad (PC)
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thornhill	Molinari, Tina R. (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Oxford	<b>Hardeman, Hon / L'hon Ernie</b> (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
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Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
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Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
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		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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First Session, 37<sup>th</sup> Parliament

**Assemblée législative  
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Première session, 37<sup>e</sup> législature

**Official Report  
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(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 13 June 2000**

**Mardi 13 juin 2000**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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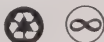
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 13 June 2000

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 13 juin 2000

*The House met at 1845.*

## ORDERS OF THE DAY

### TECHNICAL STANDARDS AND SAFETY ACT, 1999

### LOI DE 1999 SUR LES NORMES TECHNIQUES ET LA SÉCURITÉ

Mr O'Toole, on behalf of Mr Runciman, moved third reading of the following bill:

Bill 42, An Act to enhance public safety and to improve competitiveness by ensuring compliance with modernized technical standards in various industries / *Projet de loi 42, Loi visant à accroître la sécurité publique et à améliorer la compétitivité en assurant l'observation de normes techniques modernisées dans plusieurs industries.*

**Mr John O'Toole (Durham):** Respectfully, it is my pleasure as the parliamentary assistant to the Minister of Consumer and Commercial Relations, the Honourable Robert Runciman, to conclude the discussion and debate, hopefully this evening, on Bill 42, an act on public safety. That is the fundamental theme of Bill 42.

The bill is a result of two years of comprehensive review of the existing public safety statutes. It was conducted by the Minister of Consumer and Commercial Relations and the Technical Standards and Safety Authority. As my colleagues and members in the House would know, this new legislation would provide public safety benefits by permitting companies to quickly take advantage of new technical innovations that improve public safety.

I would also like to stress that these advantages are welcomed by the Ontario technical industries. The minister was quick to respond when discussing with them to make sure that first and most important was the issue of safety.

The ministry and the Technical Standards and Safety Authority have received more than 25 letters from industrial associations such as the Heating, Refrigeration and Air Conditioning Institute of Canada and the National Elevator and Escalator Association, as well as from many private sector businesses, in support of this proposed legislation. Clearly the record is there that after wide consultation the minister has broad endorsement.

In addition to enhancing public safety and the ability to respond more quickly to emerging safety hazards to protect the public more effectively and more efficiently, the industry involved can look forward to a number of other advantages.

They expect to ensure a level playing field through uniform administration, a reduction in red tape and bureaucracy for business and Ontario's ability to harmonize national and international safety codes. It's an important initiative.

I'm pleased and glad to take this opportunity to add a little bit more to the discussion on the whole issue of public safety and the administration of technical standards in the province.

I think the best place to start, as usual, is with the legislation itself. I can say that when the bill was introduced on December 20, 1999, by Minister Runciman, it outlined the bringing together of seven different statutes in a new, more modernized framework to administer a highly regulated set of industrial standards.

The seven areas that were brought together are in some respects all involved with the issue of public safety, as I've said a number of times. The operational areas that are being brought together include amusement devices, which as we enter this time of year will become an important consideration in having current regulatory and safety methods of inspecting and enforcing the issue of public safety. There was a serious incident in Ottawa last year where this Technical Standards and Safety Authority was quick on the job and also brought about corrective actions.

There are also boilers and pressure vessels, as well as elevating devices—a very important area—the hydro-carbon fuels section, activities of operating engineers, and upholstered and stuffed articles. These may not sound glamorous in all cases, but with stuffed articles, for instance, we want to be assured. As to that little tag you've been worrying about all of those years, my best advice to you is do not remove that tag. It may be shocking and some members here are grimacing, but what that does, on a more serious note, is assure the consumer that there are clean materials inside that stuffed article.

It's very important that the government ensure public safety, and in areas like that, the stuffed articles act is often used as a bit of an issue. It may not be as important as the elevating devices or amusement rides; nonetheless, it is public safety and I can assure you that Minister Runciman has consulted with the industry, and there will



be inspections on-site to ensure that there is compliance. That's the actual deliverable at the end of the road.

All three parties, as I understand, are unanimously in support of this legislation. I can't speak for them, obviously; they will have an opportunity later tonight to respond.

I could go on. There are sections here. The bill retains the essential characteristics of the licensing scheme. There is no absolving the government of its ultimate responsibility. That's important. But it's a new delivery model, a streamlining of the regulatory inspection and enforcement component.

Sections 4 and 5 deal with the appointment of directors and inspectors to supervise and inspect activities in the technical standards industry. Section 6 provides a system of authorization for both persons and things in the areas governed by the act itself. Procedural safeguards with respect to revocation, suspension and refusal to renew authorizations are set out in sections 7, 8 and 9. The director's decision with respect to an authorization may be appealed to the Divisional Court by the terms of subsection 11(1).

You can see there's a whole mechanism here for ensuring that there's a process to ensure public safety. There's an inspection and enforcement aspect to it. There's also an appeal aspect, where you get overzealous inspectors who may, for no apparent reason, want to go into a factory or amusement ride. Nonetheless, there's a process. That's what's clear here and what's important to get on the record.

Section 14 provides for the issue of safety orders by a director. A director can issue a safety order, in other words, shutting down a fair or an elevating device on a construction site. "Such an order may require that any thing be shut down or not used in the interests of public safety."

Section 16 allows for an application to be made to Superior Court for compliance orders if a director believes there is non-compliance with the act, so that there would have to be just cause before an order would be placed.

Sections 17 to 22 set out the inspection scheme that may lead to the issue of an inspector's order.

Sections 23 to 32 relate to a variety of matters such as the confidentiality of information—very important these days—that may be obtained by the inspector in the course of their duties; investigations of accidents; and the director's powers with respect to limitations on the use of things with respect to the orders that can be made. Where there's a threat to public safety and the matters involved are not dealt with by the act, the regulations or the minister's orders would apply.

Section 33 sets out the matters with respect to which the minister has the authority to make orders.

Section 34 enumerates the Lieutenant Governor in Council's powers to make regulations. Provisions are made for the regulations to deal with certain matters set out in the act being repealed, specific to the individual

industries. In other words, some very technical amendments to the existing act are set out.

I've pretty well covered the explanatory notes under Bill 42. There have been two years of public consultations which clearly have resulted in, I believe, an extremely important change that sets out a regulatory model in the public safety area. There are seven different acts being brought together and being administered by one authority, with some consistent uniform principles across the board.

I'm quite confident that the debate tonight will find a lot of support. In many things I try to relate this to, how does it apply to me and to my constituents?

I think new industries need to have a technical body that administers these acts, and a number of these acts work in co-operation or conjunction with trades—hoisting engineers, pressure vessels, welders etc—so it's a very technical area. The Technical Standards and Safety Authority does have a consultation process in developing the regulations. It's very important that the industry people are involved, and they, I am sure, will be consulted in developing the regulations. But the important thing is that the regulations do not require a complete amending in this whole legislative process. It's more responsive to business today, with the technological changes that are occurring with computers and numeric control devices etc. In areas of General Motors I'm sure this would come up, whether it's elevating devices or pressure vessels. Most of those would affect very large industries, as well as small industries, that would need to have the supports in place.

I'm looking for some advice from the Speaker about whether I should continue. There's a lot of time to be shared, I gather, by a number of speakers. I'm prepared to bring to the attention of the House the whole bill, for that matter. If they would see that to be an appropriate way to spend the time here, I will do that.

I just want to put on the record the seven acts that I said before are important: the Amusement Devices Act is involved in this; the Boilers and Pressure Vessels Act; the Elevating Devices Act; the Energy Act, which of course deals with propane tanks etc; the Gasoline Handling Act; the Operating Engineers Act; and the Upholstered and Stuffed Articles Act. As I said, all of these are now combined into one clearly administrative act in the interests of public safety. There's a whole section here dealing with directors and inspectors and authorizations.

Some of the press I've read on this is quite interesting, for the viewer who may find this subject something that's less than top of mind after supper, but hopefully none of them will be sleeping. I'm looking here at an article from the ministry news clipping service that says the minister introduced the Technical Standards and Safety Act, which consolidates the seven acts. It would appear from this article that it has been quite widely endorsed. "Last year, the Mike Harris government promised Ontarians we would look closely at amusement rides before the start of the 2000 season, and this review makes good on that promise."

If I were to look at the history of pieces of legislation coming before the House, when we promise to do something, as we did in the Blueprint document, you can pretty well count on that promise being delivered. In some ways it's been captured as "A promise made is a promise kept." I know that phrase gets thrown around here, but it makes me feel proud that a government is prepared to make the difficult decisions.

I stressed at the beginning and I'm stressing it again, at the risk of repeating myself, that the foundation of this Bill 42 is public safety. It's a very technical bill, and in that respect the regulations that support the legislation are also technical and need to be flexible enough to allow revisions or amendments to move quickly, to respond to issues in the new types of amusement rides, for instance. So the promise is made and the promise is kept. This is really removing red tape and regulations. Day-to-day enforcement of technical standards and safety is the responsibility of the TSSA, a not-for-profit administrative arm of the Ministry of Consumer and Commercial Relations.

I think I have pretty well exhausted any of the questions that may have remained open. I'm genuinely interested in the comments and observations of the opposition and third party this evening. I know there has been significant time, as this is the third reading of the bill. Of course the public would know that a block of time is set aside for each party to come forward, and there hasn't really been any stinging rebuke or criticism of any sort.

1900

*Interjection.*

**Mr O'Toole:** I'm prepared at this time, because I think we've made the case pretty substantively, to relinquish the floor. I may want to reserve some of my time.

**Mr John Gerretsen (Kingston and the Islands):** No, you can't do that.

**Mr O'Toole:** I really believe there are a number of people on this side who, with your permission, would love to speak. Now that we're all here, I just feel that I want to sit down and wait—

**Hon Rob Sampson (Minister of Correctional Services):** Wait a minute. Gerretsen's not here yet.

**Mr O'Toole:** Well, he's physically here. No, respectfully, I'm here to listen, to see if there's the least thing we could do to enhance and improve this legislation, which, for the final time, is in the interests of public safety. With that, I will sit down. I believe we've established that this bill should pass tonight.

**The Acting Speaker (Mr Tony Martin):** Questions and comments?

**Ms Marilyn Churley (Broadview-Greenwood):** I didn't hear the member for Durham's entire speech, but I did hear the end. He said he was here to listen tonight. I hope that, for once, government members do listen. I can tell you, that member sat on the Legislative Assembly committee which I sit on; I made some very important amendments that would indeed improve this bill and the government members decided to vote those amendments

down. If I recall correctly, at the end of the day on that committee both the Tories and the Liberals supported this coming for third reading. I didn't.

**Mr Speaker,** I know you're going to be speaking to this later, and between us we're going to outline why we have real big problems with this bill. What they're going to find out, particularly because they wouldn't accept my amendments, is that we're not going to be able to avoid talking about what happened in Walkerton vis-à-vis this bill. On the first bill, when it privatized all our safety laws, sent it over to a private agency, we spoke against it and voted against it, and this great big, huge bill was presented to us as just technical amendments. I took a look at those technical amendments, as I know you did too, Mr Speaker, and discovered, with the help of CELA, the Canadian Environmental Law Association, that there are some real concerns about this bill, and I made amendments to partially deal with them.

There's a real concern that we have a private agency out there dealing with all our safety laws, completely removed now from accountability. The only overseeing body is the EBR, the environmental registry, and that's because some of the safety issues deal with environmental matters. But the auditor, the Ombudsman—none of those overseeing bodies has any authority over this private agency, so we'll be outlining our concerns later.

**Mr Gerretsen:** We'll be outlining some concerns about this bill as well, concerns that rest with the whole issue of liability. In the bill there doesn't appear to be any kind of potential liability on the crown, which in effect may severely interfere with the rights of the individuals who may somehow be caught up in this.

I was very much interested in what the member had to say about this bill. To him, it's a very simple solution. They've simply taken eight or nine bills, and he listed them—I believe he listed them on at least three or four occasions. He just put them together and called it a red tape reduction bill and away we go. That's enough as far as he's concerned. The problem is that the real world out there isn't as nice and easy as he lets on.

The thing I find discouraging about this whole process is that the government would like you to believe that this merely codifies what's already happening under five or six acts, but actually it does a lot more than that. It basically takes the whole regulatory power away from government inspections to the private sector. You and I know, Speaker, what's happened in situations where this has already happened. The moment you allow the private sector to completely regulate itself, then in effect government has washed its hands of responsibility for that issue.

That is precisely what's happening in this bill. It's not just a question of codifying what's already out there; it's basically an attempt by the government to take the whole inspection aspect further away from government responsibility. That's what we don't like on this side of the House.

**Mr Michael Gravelle (Thunder Bay-Superior North):** It's interesting, and I'm sure everybody who is



listening would think so as well, that the government members are speaking somewhat differently these days. I know that the member for Durham was careful, because I was listening carefully to what he was saying, about the self-regulation aspect, the privatization aspect. He wants to make it clear that the government would still be accountable. In light of all that's gone on, the question we have to ask is, exactly how will that be and can we trust that to be so?

The whole issue of accountability is one that is probably on the minds of most Ontarians these days. We look at a bill such as this, a bill that is in essence, as my colleague from Kingston and the Islands said, a compilation, virtually an omnibus bill. It makes one want to look at it a little bit more carefully. We've seen a great deal of self-regulation in the past. We've seen a great deal of downloading. We've seen a great deal of privatization. I think we're potentially paying the price for it. It's important for all of us to be very careful.

Regardless of what the government members may say about how they will be accountable and they'll make sure it's inspected, I'm afraid there's a real credibility gap that has developed. Certainly I have my own issues—I will be speaking later for a few moments—in terms of public safety. The member was talking very specifically about public safety. I have great concerns about what the privatization of road maintenance has done to this province in terms of public safety, issues that I know the auditor has tried to share as well, that this government has essentially ignored.

It's important to understand that this is not a cut and dried aspect. The member from Broadview-Greenwood made those points as well. There are some real concerns that we have; there are some real changes that are there. I'm not sure we can stand here and trust that when the member says we'll make sure inspections are put in place, that will indeed be the case. In light of everything that's gone on, I think we all have to be very careful what we do in this bill.

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** I want to join the debate briefly in response to the member for Durham's remarks. I think he has set out for us a very logical argument that we can put an emphasis on safety in a bill but do things in a way that is more accountable and more responsible. It may be different from the way it was done before. I think the fact of the matter is, and the honourable member referred to this, sometimes the old ways of doing things don't get you to the safety or don't get you to the accountability that the members on the other side are impressed with.

From our perspective, we're always looking for new ways to deliver on safety, on health, on accountability, so that there can be greater accountability in the system. Maybe that's what separates our side from their side—the fact that we are always looking for ways to improve these types of legislation so that accountability is in place, maybe in a slightly different way, so that the provincial standards are still there, but there are ways to deliver on those standards in a way that is much more

accountable, maybe slightly differently, but we're always looking for new ways to do that.

On the other side of the House, quite frankly, they are married to the status quo—the status quo is fine; the status quo doesn't need any changes—while we on our side of the House are always looking for new and better ways to deliver those services, to protect the communities we purport to serve in ways that are much more accountable, ways that are much more accountable to the taxpayer, and of course ways that focus in on health and safety.

That's perhaps a difference on this side of the House compared to that side of the House. We're seeing this debate in question period and in other aspects of our daily lives here in the House. We are seeing the same kind of old-style mentality once again from the opposition on this very bill.

**The Acting Speaker:** Two-minute response?

**Mr O'Toole:** I would like to thank the members for Broadview-Greenwood, Kingston and the Islands, Thunder Bay-Superior North and of course the minister from Brampton West-Mississauga.

I think there were three or four issues that will, over the course of the evening, be clarified. I'm confident of that. The inspection portion that was mentioned by the member from Kingston and the Islands is very clear: "An inspector may at any reasonable time, without a warrant, enter any lands or premises"—very clear authority there to ensure.

**1910**

Section 14 deals exclusively with safety and compliance orders. This is very strong language, strengthening the language with respect to the general issues of safety. With time permitting, I will read that.

But the most important thing is the individual rights. At the very end you've got this inspection, compliance and safety, a very clear articulation there. Then you have an appeal process for the person who may have felt that their premises or place of business was invaded without cause. I think there's an appeals section in 11 and 12 here. They deal with the appeals section.

Also, in looking at the authority of the government to set a fair and level playing field with other jurisdictions—it is very important for Ontario to harmonize—there should be national standards. I don't want to get into the whole argument of why the federal government hasn't taken more of a lead in harmonizing the standards of safety and public safety, but I can assure you, Mr Speaker and others listening here this evening, that the TSSA and the ministry have had 25 letters of endorsement from the Heating, Refrigeration and Air Conditioning Institute of Canada, the National Elevator and Escalator Association and a number of others. The stakeholders have been supportive of this, I believe. The critics in the opposition and third parties want to, and do make their points. But the minister has assured me that public safety and a process of appeals are central to this legislation. I'm confident. I expect the members to support this unanimously tonight.

**The Acting Speaker:** Further debate?

**Mrs Marie Bountrogianni (Hamilton Mountain):** I'll be sharing my time with the members for Hastings-Frontenac-Lennox and Addington, Thunder Bay-Superior North, Thunder Bay-Atikokan, Kingston and the Islands, Hamilton East and Timiskaming-Cochrane and possibly others.

Ordinarily, I would support—

**Ms Churley:** What about Broadview-Greenwood?

**Mrs Bountrogianni:** And Broadview-Greenwood. Why not?

Ordinarily, I'd be supporting a bill that would be ensuring a self-regulating professional body. I belong to a self-regulating professional agency, the College of Psychologists. It's very strict.

**Mr O'Toole:** Go with your heart.

**Mrs Bountrogianni:** I'll go with my heart, John, and my mind.

It's a very strict body which ensures that psychologists follow the standards and procedures of the college. I probably would have supported this bill, Bill 42, the Technical Standards and Safety Act, had the Walkerton tragedy not occurred. There's a real issue of trust now with Walkerton and with placing the accountability to agencies other than a strictly regulated government agency or government ministry.

The Liberal caucus believes, because of what happened at Walkerton, that the government is getting out of the business of ensuring public safety. We believe that by making this a self-regulated professional agency, it will be easier to privatize this agency and therefore have similar disasters to what we had at Walkerton.

Another issue that I take issue with is the lack of hearings. There was one afternoon set aside for hearings and just two groups had time to make submissions. Hardly a democratic process.

Even though there was, to my knowledge, one death that is spurring changes in the legislation—that is of Jerome Charron, who plunged to his death at an Ottawa fair—even one death is one death too many, and we definitely have to tighten up the regulations, but I personally, as well as the caucus, do not trust that this can be done by an agency, given what happened at Walkerton.

Bill 42 apparently builds on the Safety and Consumer Statutes Administration Act of 1996. It tries to compress seven statutes into something more digestible. I don't have anything against that part of it, making it more easily run.

However, the concerns we have that will be debated more fully tonight are concerns of accountability and liability. The designated administrative authorities cannot be summoned, apparently, to appear before a standing committee on estimates. Clearly this represents a loss of government accountability. It's difficult enough to get enough time to question the people who do come to estimates. In this case they won't even be accountable enough to come before estimates. As well, there's a liability issue. This government has effectively shielded itself from liability in this case. In the event of negli-

gence, the crown is not liable for any negligence caused by designated administrative authorities such as the TSSA. Bill 42 in no way corrects this situation. We have a lot of red tape here, no accountability, and this will not change with Bill 42.

I turn it over now to my colleague.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I'm very pleased tonight to have an opportunity to speak a little bit about Bill 42, the Technical Standards and Safety Act. I have to say that I had some questions about the bill. When I research bills, I try to understand how their passage will affect the people in my riding. I've come to understand that this bill will touch on a variety of acts that are already in place: the Amusement Devices Act, which regulates rides at amusement parks, and certainly there are events in my riding that engage those services; the Boilers and Pressure Vessels Act; the Elevating Devices Act, and certainly there are buildings in my riding that use those; the Gasoline Handling Act. We did a survey in our riding, and the automotive service industry is one of the largest industries, so certainly that is going to have an impact in my community. The bill also touches on the Operating Engineers Act and the Upholstered and Stuffed Articles Act.

Clearly it is quite far-reaching in its impact, and I thought it was important that I read it and try to begin to understand it and make some comments as I would see possible concerns on how it might impact within my riding.

In doing some background, I read about the very tragic event that I believe had a great deal to do with bringing this bill to the House. It was the very untimely death of Jerome Charron, who died in Ottawa. He was attending a social event at an amusement park and participated on the Rocket Launcher bungee ride. Most unfortunately, his life was ended by participating on that ride. Consequently, there have been many calls for a review of why such a tragic thing would happen at an amusement park where we take our children. I know I've had many occasions to take our children to fairs, and one just assumes, when we put our youngsters on a ride or when we go on a ride ourselves, that the rides are regulated and that the people who own and operate the rides are regulated in such a way that they will ensure that they are operated in a safe manner for the people who operate them and the people, of course, who pay money to use them. Very sadly, that obviously was not the case for Jerome Charron.

I read a lot about the events that happened before this most unfortunate accident, where it was suggested that there had been inspections that had happened, and in fact they had not physically been inspected but the paperwork had been completed. There was an inquest into this very sad event, and there were some recommendations or findings following the inquest.

**1920**

The inquest demonstrated that there were poor training standards for the inspectors. Very clearly there is a need in the province of Ontario to ensure that the people who



have the responsibility of making sure these rides are safe should at the very least be trained. There were no guidelines for inspectors. If we're going to require that people inspect these sorts of rides, they should at least have some guidelines to follow. There were no standards requiring that all rides be inspected prior to an exhibition. I'm a mother of four kids. I've taken our children to many, many fairs and placed them on many amusement rides. I thought it was only natural that before any ride would begin operating, there would have been a safety check done on it. We find that is in fact not the case.

There were sloppy professional practices on behalf of engineers certifying the safety of rides. I think maybe that refers to my comments about the fact that there were certifications given on paper but not after or following in-person inspection.

There were no guidelines prohibiting those inspectors who had certified a ride as safe from participating in an investigation into an accident. So if someone had been negligent and had not followed appropriate procedures in terms of granting certification, they could be the very people who would be invited to participate in an investigation of the very ride at which there may have been an accident, which certainly is not appropriate.

The requirements in the Amusement Devices Act are so very lax, they should be tightened. Bill 42 in its present form would delegate the setting of technical requirements to unseen regulations. We don't see them in this act. We don't know what the direction is going to be for inspectors, what the guidelines are going to be for inspectors. I have to say that I really am not in a position to support this because these are unknowns and they're pretty important questions that I think we need to ask.

My chief areas of concern relate to the accountability component, in that the designated administrative authorities within the Technical Standards and Safety Act are not subject to the same guidelines governing ministerial accountability, and that's what it's really all about: accountability. Designated administrative authorities are not subject to government audit. They are not bound by privacy and access to information. So if we have private agencies providing service in a very important area that provides and ensures the safety of the people of Ontario, and if there is an accident, these agencies are not subject to the same kind of accountability, the same kind of public scrutiny that a government agency would be. I have great concern that that would not be included in the act, a component that would prescribe accountability in this way.

Of course, as my colleague from Hamilton Mountain has indicated, there is the liability factor.

I know that my other colleagues on this side of the House are most anxious to address these and other issues, so I will at this time yield the floor to my very good colleague from Sudbury.

**Mr Rick Bartolucci (Sudbury):** I stand in opposition to this bill. I would like to be able to support it, but I believe that when people elect government, they elect government to get into the business of ensuring public

safety as opposed to getting out of the business of ensuring public safety. We have examples in spades around this province right now about how this government's policies have impacted in a very negative way on the people of Ontario. We can look at Walkerton and talk about the tragedy that occurred at Walkerton, but let's move away from Walkerton, because we spent question period trying to get the Minister of the Environment to commit to some type of plan to ensure that public safety would be enhanced, as opposed to having people be concerned about drinking water.

Just today, just this afternoon, just this evening, the French River District Secondary School has closed because of a water problem. We hope that it's not an E coli problem, but they have to test the water. The water is unsafe for those students at the French River high school. So le conseil du Grand Nord, the great north school board, and the Rainbow District School Board, being very wise and very prudent and acting in the best interests of students—which of course this government says is impossible, because they try to pass bills like 74 and 81 which demean school boards and school teachers and school trustees—these trustees have acted in a very responsible way and they have suggested, they have demanded and they have decreed, all wisely, that the school will remain closed until it is safe for students to come to school and drink the water.

I suggest to you that it is a pretty sad commentary on this government's directive, this government's direction, this government's philosophy, that schools like the French River high school would have to close and that the Grand Nord school board and the Rainbow District School Board would have to decree that students won't be attending school because there is a problem with the water. I guess I ask the question, where has this government failed the people of Ontario, the people of Walkerton, the people who attend the French River district school board, the people in the north, when it comes to technical standards and safety?

This is what this bill is all about. As Liberals, we have consistently opposed efforts to create self-regulating professional agencies that administer safety and standards in lieu of government-appointed agencies. There is nothing wrong with privatization. None of us here feels that privatization is wrong. But you have to ensure that we, as government, accept responsibility and act in a responsible way. This does not happen with the Mike Harris regime and their philosophical bent of tax cuts at all cost. The people in my riding of Sudbury, the people in northern Ontario, the people from Hamilton, the people from almost all districts in Ontario, don't want a tax break at the cost of people's lives and at the cost of safety.

When we talk about technical standards and safety, I like to go back to the northern health travel grant with regard to cancer patients. I'm glad the Minister of Health is here. She knows that she is wrong with this policy. She knows that a cancerous growth, a carcinoma, doesn't know anything about policy. They only know that it has

to be treated in order to ensure that the people who have cancer will be cured. Carcinoma and a cancerous growth shouldn't be dependent on the words "referral" and "re-referral." How callous, how cold, how absolutely disgusting, one must think, to look at technical standards and safety when you're talking about people with cancer.

You know, as far-fetched as this government may feel Bill 42 is with regard to the northern health travel grant, you have to understand, Minister, that there are people in northern Ontario who cannot afford the treatment that they will receive in Toronto because they can't afford to come down here. They're delaying their treatment. In fact, what they're doing is shortening their lives. That's why we have people like Renée Boucher from Mr Ramsay's riding or Janice Skinner from the Sudbury region who are going to stand up to this government and say this is wrong and you have to do something about it. That's why I applaud people like Gerry Lougheed Jr who, as a government appointee, had the courage to stand up and say to this government, "Your healthcare apartheid is wrong, and as a member of Cancer Care Ontario, I want you to change it."

I can't for the life of me understand why this Minister of Health, who is present in the House tonight, will not change a policy that is in fact discriminatory, that is in fact health care apartheid. I never thought I would stand up in this House and say that health care apartheid is being practised by the Mike Harris government in Ontario. I think it's a very sad commentary on the Minister of Health's philosophy and the Mike Harris philosophy. They could easily fix the problem with an injection of \$3 million so that cancer patients in northern Ontario can be treated equally with cancer patients in southern Ontario.

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I believe it's wrong. Speaker, I apologize for getting off the topic a little bit right now, and I'll say I'm off the topic. But I think it's wrong that a cancer patient from Toronto can come up to Sudbury for treatment and receive complete travel costs, complete meal costs, complete accommodation costs, and cancer patients from Sudbury, who cannot access treatment in Sudbury and who have to travel to Toronto, will only receive 31 cents a kilometre one-way. I don't care how the government tries to spin it. It is wrong. It is a discriminatory policy. It is a policy that treats Ontarians with cancer in a fashion that's not equal, that's not fair, that's not balanced and that indeed is what Mr Lougheed called health care apartheid.

I urge the Minister of Health, I urge the Premier of this province, who prides himself on being from northern Ontario but honestly doesn't live the spirit of northern Ontario, because in northern Ontario we believe that everyone should be treated equally—this Premier does not practise it in his policies, and this health minister does not practise it in her policies with regard to cancer patients.

I understand why. Some 14 months ago, a month and a half before an election, there was a problem in southern

Ontario. Cancer patients were waiting for treatment. There was an enormous pressure on the government to act, so they started a policy that we will pay complete costs for anybody from southern Ontario who has to travel. The reality is, because this policy's like so many of their other policies, especially Bill 42, the Technical Standards and Safety Act, they don't seem to understand there is no balance, there is no fairness.

What we have is a policy that does not address the critical needs of Ontarians in an equal, fair and balanced way. That's all that those of us from northern Ontario, Dalton McGuinty, our leader, and the entire Liberal caucus are asking for when it comes to treatment for cancer patients from northern Ontario. We're only asking for fairness. We're only asking for balance. We're only asking for equal treatment. We're not asking you to deny southern Ontario patients the right to full travel costs, to full accommodation costs, to full meal costs. We're only asking that in northern Ontario you will treat us the same.

The minister prides herself on saying the policies are the same, that they're two different funds. I keep on saying that a cancerous growth knows no lists, a carcinoma knows no lists. They're not concerned about lists. The cancer patient is concerned about being treated fairly, about getting treatment in a timely fashion, about being cured, and their loved ones at home want that. Their loved ones want the government to be caring about them, to be concerned about them and to be treating them equally.

As I summarize and turn my time over to someone else, I want you to understand that it is very important that the events of Walkerton, the events that have taken place at French River today and the northern health travel grant are all signs to this government—or should be signs to this government—that their philosophy is flawed. We need a government that will react to the needs of people, not be reactive to the needs of a philosophy. I turn my time over to the member from Kingston and the Islands.

**Mr Gerretsen:** Let me just add my words to the very passionate words from the member from Sudbury. As a member from southeastern Ontario, I too cannot understand. I sit in this House on a daily basis, with the minister being asked about the travel grant situation—which quite honestly doesn't affect me in my hometown all that much, since we are very fortunate to have a cancer clinic in Kingston which we think is one of the best in Ontario, so the travel policy really doesn't apply all that much. Most of the people come right from the catchment area. But as I sit here day after day and listen to the northern members ask these questions, I say to myself, how can a government, any government, allow this kind of unfairness to continue? Why should people from one section of the province be given money for accommodation, for travel, for food, when they have to be taken care of in another part of the province for cancer care, and not people from another part of the province, such as northern Ontario? Why isn't there a reciprocal policy?

I'm sure the people out there who have watched question period over the last couple of weeks and have



listened to the answers are also wondering why that is so. Speaker, you and I can agree that we may have many philosophical differences in this House as to how you approach problems, how you solve problems, but surely to goodness the one thing we all agree on is that government should be fair with people. You cannot treat one person differently from another person when they are involved in like circumstances, particularly when government services and government money are involved. That's the most basic thing people expect from their government, that they are dealt with in a fair and consistent manner. That, in what to some people may look like a relatively small policy, is the case: that people from southern Ontario are given preferential treatment to people from northern Ontario.

I'm sure the minister, who is an extremely powerful minister in this cabinet—and I know a lot of people, even on this side of the House, have a lot of respect for the minister because she has carried an extremely heavy load. In a government that basically believes more in tax cuts than in providing essential services, whether it's in health care or in education, it must be extremely difficult to be a Minister of Health under those circumstances, when the government's main intent is to cut, cut, cut and give people money back in taxes rather than reinvesting in the much-needed public services of this province. It must be very difficult for this minister, for whom I have a lot of respect, to try to justify in this House a completely unjustifiable position. It is health care apartheid and it simply isn't fair. I think the people out there realize that as well.

In getting back to Bill 42—and it is all interrelated somehow; we know it is—the one issue I find interesting is that in setting up a self-regulatory agency under Bill 42 that will look after safety devices in this province, what the government has really done is in effect denied the opposition the opportunity to question decisions made by the self-regulatory body.

Let me just give you one example. As the people of Ontario may or may not know, annually, once the budget of the province is prepared and the actual estimates of how the money is going to be spent in each department is presented for each ministry, all three parties in the House have an opportunity to question the minister involved in that department on those estimates. Each party, I believe, chooses three or four ministries and then a certain number of hours, anywhere from 7.5 to 15 hours, are given to one of the standing committees, the standing committee on estimates, to question the minister on the detailed estimates in that ministry for that particular year. If it's a self-regulatory body, it will not be possible for the estimates of that particular organization to be questioned by the members of the opposition.

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You could ask, how is that relevant? The relevancy is this: We had a situation today where right now the Minister of the Environment's estimates are being reviewed by the standing committee on estimates for 7.5 hours. That means that for roughly three days after ques-

tion period—because it goes from about 3:30 in the afternoon until about 6 o'clock in the afternoon, so you take that for three days and that's how the 7.5 hours are used up. That minister appeared before that committee today, because, as you can well imagine, there's a tremendous interest in this. Of course the interest is there because seven people have actually died, under the watch of this government, of whatever happened in Walkerton, so people all over the province are really concerned about the quality of the drinking water they have in their various municipal water utility services.

The minister was under attack. I was there. I'm not a member of the committee, but I was interested, as many members are, in exactly how the Minister of the Environment was going to defend his department, his ministry, before the estimates committee. It was hot and heavy and at times he almost broke, I dare say, because it was very difficult for him to answer all the questions that the members of the committee had, and he had a staff there of probably 10 or 15 people. Everybody realized that the man was under attack—there's no question about it—because people want to have answers. The opposition members want to hear the answers. The media was there. We asked him for his plan. You may recall that earlier in the House the member for St Catharines and the member from Renfrew and myself asked the minister where his water quality plan was that he was going to produce about two or three years ago, that the Provincial Auditor talked about in his 1996 and 1998 reports. We wanted to have that plan produced and he was asked questions about it in that committee as well.

Well, at the end of the day, at about five minutes to 6, the committee was advised that the minister would not be available tomorrow and that his parliamentary assistant would come to estimates. You can well imagine that the members of both opposition parties were quite annoyed about this, to say the least. I mean, here is a minister responsible for a ministry about which everybody in Ontario has questions and concerns right now, because he, after all, is responsible for the environment and the public health of the citizens of this province, in making sure that the water systems in our province are adequately inspected and operating properly, and he basically said, "Tomorrow I cannot be here." The members of the opposition said: "We can understand that. Why don't we stand your 2.5 hours down"—there are five hours still left, so two days of 2.5 hours—"and we'll continue with you next Tuesday?" The government members voted that motion down and basically said, "The minister doesn't have to appear tomorrow; the parliamentary assistant can appear."

I understand that there have been times in the past when parliamentary assistants have appeared before the committee, but that has always been either on consent, or in very non-controversial departments or on very non-controversial issues.

But now we get to the reason the minister can't be there tomorrow. He said it was a scheduling problem. Do you know what the scheduling problem is? He wants to

be in the House so he can be here for the debate on our non-confidence motion. Speaker, you and I know that there are always members in this House wandering in and out and that we quite regularly have committees going on at the same time as the House is sitting. To use as an excuse, because the minister does not, in effect, want to take the heat of the members of the committee on estimates for 2.5 hours, that he has to be in the House where he may make a five-minute contribution on a general non-confidence motion to my way of thinking is shirking one's responsibility.

What's happening under this act, Bill 42, with the self-regulatory powers that are going to be given to this authority and agency, is that it will not be possible for this organization to even be called in front of the estimates committee. Estimates, I dare say, having been here for five years, is an extremely important time, especially for the members of the opposition, to question a minister on the expenditures and programs within his department for a considerable length of time. Normally the sessions last for about half an hour and then it switches to another party, then to the government party and then back again to the opposition. But you can well understand that sometimes in order to develop an argument about a particular situation, the one question and perhaps a supplementary question that we often get in the House isn't going to do it, if you really want to delve into different aspects of a ministry. So estimates is an extremely important time for members of the opposition to really find out what is happening in particular departments of a ministry. In effect, this minister, the Minister of the Environment, is denying the opposition the right to question him in estimates. Quite frankly, I find that unacceptable. What this law is going to do, once you've set up your self-regulatory agency, is take that process away even further than that.

This government loves to talk about accountability and it loves to talk about responsibility. Yet it seems to me that just about every piece of legislation takes the accountability aspect one degree further removed from government. There's also another very interesting clause in this bill. It's my understanding, from a quick read through the bill, that there can be no government liability if the standards that are talked about in this bill aren't being adhered to. That, to my way of thinking, is totally unacceptable. Again, it's solely as a result of the fact that we are not dealing with a ministry here that can be held accountable but a third-party organization or agency to which crown responsibility and liability cannot be attached.

I say to the government, you like to portray everything as just being housekeeping. The parliamentary assistant said earlier this evening: "All we're doing here is taking five or six acts and combining them into one. That's really all that's being done, and everything else will go on the way it was before." Speaker, you and I know that simply isn't so. There is much less government accountability; there is absolutely no governmental liability with the setting up of this particular new agency. The net

result is that the people of Ontario, the consumers who may be affected by these rules and regulations, are going to be less well served.

It's interesting for the parliamentary assistant to say that we had 25 deputations, but let's take a look at where those deputations were from. They were all from industries involved in these various acts that obviously had their own financial welfare at stake. They are not the protectors of the consumers. In this kind of legislation, the people of Ontario are looking to the government to make sure that the consumers of Ontario are protected, and that is simply not the case here.

#### 1950

As I wind up the balance of the time to turn it over to the member from Thunder Bay-Atikokan, I say to the government that the people of Ontario are interested in finding out what's really happening within the Ministry of the Environment. They are saying: "No more cuts to the Ministry of the Environment. Put in some much-needed resources there. Get some of the inspectors you fired over the years back in place." You had a \$5-billion surplus this past year, money that you didn't expect to get in your coffers. Take some of that money and let's make sure that each and every Ontarian can be assured of the best-quality drinking water we could possibly have in this province. Right now people are scared. Right now people want to know what's happening to them. We hear almost every day of someplace in Ontario where the water system isn't quite up to scratch, where they've found something in the water system.

I say finally to the Minister of the Environment, do the right thing. Tomorrow when the estimates committee sits at 3:30, be in your place and take the questions from both opposition parties, and even from some of your government backbenchers, because, surely to goodness, they have some serious questions to ask of their own minister as well. I cannot believe that they are not just as concerned as we are about what happened in Walkerton and what's happening in some of the other municipalities in this province. They should be putting the heat on the minister as well. It is just as much in their interests as it is in ours—as it is in every Ontarian's interest—that we have good public utility services out there and that the water we drink on a daily basis in our municipalities and in the rural areas is as safe as it possibly can be.

Minister, don't cop out. Don't say, "I've got duty in the House and I've got something to say about the non-confidence motion." I'm sure that the members of the committee, reasonable members all, will excuse the minister for maybe five or 10 minutes so that he can make his contribution in the non-confidence debate. But other than that, he ought to be where he should be. He should be accountable to the members of the opposition and to his own government members by being in his place at 3:30 tomorrow afternoon before the estimates committee.

With that, I'll turn the roster over to the member for Thunder Bay-Atikokan.



**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I'm pleased to have an opportunity to participate in the debate on Bill 42. I understand a number of my colleagues are anxious to share the remaining 19 minutes. I'm going to try to limit my comments as much as possible, but having said that, I do want to begin with my basic concern about the title of the bill, An Act to enhance public safety and to improve competitiveness.

My concern is that this government cannot resist the tying of the two things together: public safety and improving competitiveness. How do the two things relate to one another? I would suggest that the history of this government is that its priority, without exception, has been improving competitiveness—at least in following their agenda for what they believe will improve competitiveness—and never has the priority been for public safety. I was reminded of that during question period this afternoon when, as we once again discussed what led to the tragedy of Walkerton and looked for assurances that the tragedy of Walkerton would not happen in other communities across this province, the minister responsible for municipal affairs, the former Minister of the Environment, who was being asked about the transfer of responsibility for water and sewer to municipalities, responded by saying, "Our agenda is to have more, to do more with less." What does that say? It says their priority always is going to be the bottom line, the cost. They're interested in public safety? Maybe, but only if it doesn't get in the way of their agenda of doing more with less. I suggest when it comes to public safety, it is doing a lot less with a lot fewer resources.

This act does purport to be in part about improving public safety and I do want to express a concern that I think all members of our caucus have. We would like to support an act which truly tightens safety standards in these very important areas, and I say that in full recognition that there is currently an inquest going on into the death of a man who was killed on a Rocket Launcher ride. Of course, one of the issues being discussed in this bill is the impact of deregulation, self-regulation, on the people who operate amusement rides.

I think it's important, though, that we put anything that this act attempts to do in terms of strengthening public safety into the context of a government which over and over again, with successive acts to reduce red tape, has acted to transfer its responsibility to someone else—whether it's to municipalities, whether it's to industries themselves—and in doing that abdicates its entire responsibility as government for ensuring that the public safety is protected when it goes through this process of deregulating or offloading its own responsibilities. We've seen that time and time again.

We've had the terribly tragic consequences of the abdication of responsibility for the safety of our drinking water in what we've seen in Walkerton. We've raised again and again the fact that the government has refused to take responsibility for bringing in a groundwater strategy. We've had the Canadian Institute for Environmental Law and Policy bring out a report that details this gov-

ernment's consistent pattern of deregulating and then walking away. It's with that record in mind that I turn to tonight's act, Bill 42, which follows on acts of 1996 and 1997 in which this government, in its efforts to reduce red tape—to do supposedly more with less, but in fact to have simply less government, which is the bottom line of the red tape act—transferred the responsibility for the administration of the Amusement Devices Act, the Boilers and Pressure Vessels Act, the Elevating Devices Act, the Gasoline Handling Act, the Operating Engineers Act and the Upholstered and Stuffed Articles Act to the Technical Safety Standards Authority.

Now, these are very major issues of public safety. The Amusement Devices Act: We've seen again, only too tragically, how important public safety is when it comes to the regulation of amusement rides. The Elevating Devices Act: I remember only too well the concerns that have existed because of the infrequency of inspections of elevators in this province, and that's when the Ministry of Consumer and Commercial Affairs was up to full strength, before they had a \$10-million cut.

Time is going to run out so I'm not going to be able to detail all of the red tape reduction bills that we've seen in this House under the term of this government, and I'm probably not going to have time to put those into the context of the cutbacks that have accompanied the red tape reduction bills: the cutbacks to the Ministry of the Environment, some 40% of its budget, a third of its staff, 900 inspectors and enforcement officers all gone as the government continues to proceed with its agenda of reducing red tape and walking away from its responsibilities; the Ministry of Natural Resources with a \$30-million cut, not to mention the \$10-million cut to the Ministry of Consumer and Commercial Relations, which supposedly still has some responsibility for the acts that were passed in 1996 and 1997 which transferred responsibility for the administration of these important areas affecting public safety to the Technical Safety Standards Authority.

I trust my colleagues will comment further on some of the other aspects of the transference of this responsibility and what happens when the government downloads, offloads, its responsibility at the same time as it cuts ministry staff.

I just want to come back specifically to the best example of concern we've had under Bill 42 and the acts which preceded it, and that's some of the information that was provided to the coroner's inquest into Jerome Charron's death. The Technical Safety Standards Authority indicated at that inquest that it does not inspect every amusement ride at fairs or exhibitions, that it only conducts spot checks. Counsel indicated at the inquest that there are no training manuals or checklists for inspectors concerning the type of bungee ride that led to this tragic occurrence. They also advised that the training of inspectors appeared to be on-the-job training.

The inquest demonstrates poor training standards for inspectors; no guidelines for inspectors; no standards requiring that all rides be inspected prior to an exhibition;

no guidelines requiring exhibitions to conduct independent inspections of all rides; sloppy professional practices; no guidelines prohibiting inspectors who have certified a ride as safe from participating in an investigation into an accident. Those are just a few of the findings of this one inquest, which is why we have concern about an act that's before us tonight that says it will "enhance public safety" and "improve competitiveness," because we have evidence again, just in this one aspect of the Amusement Devices Act that the government has once again abdicated its responsibility, simply transferred that responsibility while it cuts its own costs and is far more concerned with improving competitiveness than it is with public safety.

Until this government is prepared to stop its agenda of supposedly doing more with less, stop the constancy of its red tape reduction, which is basically walking away from the responsibilities of government, and review the implications of the cutbacks in government we have already seen, I for one am not prepared to support any act which continues with this particular government's agenda.

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**Mr Gravelle:** Public safety and government accountability are two things that simply go together. The public of Ontario, all the citizens, expect that where public safety is concerned, the government is going to be there for them. What we've seen actually in the five years of this government's mandate is the government removing itself from having any responsibilities for a variety of areas related to public safety. We've certainly seen it in the last two and a half to three weeks in this Legislature related to what's happening in Walkerton, the terrible tragedy in Walkerton.

As critic for transportation, I have battled with the ministry and the minister over the whole issue of privatization of road maintenance. The auditor came forward and made it very clear that as far as he was concerned, the privatization of road maintenance and the loss of government accountability was something that, first of all, wasn't saving the taxpayers any money, which is interesting because the government insists that's one of the things it would do, but more significantly it's compromising public safety. I don't think there's anything else we should consider more important in this Legislature, whatever side of the House we're on, than absolute public safety.

*Interjection.*

**Mr Gravelle:** If you want to argue with me about that, that's just fine. If you don't believe that's the case, stand up and say so. The fact is that we have to stand up and believe in those things, and that's what we fight for.

Let me make some reference as well, if I may, to the comments made by some of my colleagues about the northern health travel grant. I also think it's important, with the minister being in the House, to make reference to the fact that the minister, after a lot of pressure from people in northern Ontario—tens of thousands of petitions have been signed by people asking to have the

northern health travel grant reviewed, asking for real flexibility in the program. I truly hope the minister is true to her word. We know about the discriminatory nature of the situation—health care apartheid as it has been described in the Legislature this evening and previously—about patients from southern Ontario going to the cancer centres in Sudbury and Thunder Bay whereas people from the north are not receiving the same benefits.

It's also very important that we recognize that all patients in northern Ontario who are forced to go elsewhere for treatment deserve to have a far-improved northern health travel grant. We ourselves were committed in the last campaign to increasing that by 50%. The minister has said she's going to review it. The finance minister, Mr Eves, said on the radio that he thought it was perhaps unfair. I hope the minister is listening and will indeed come through with that review, a total review of the entire program. There are so many anomalies in the program, it's completely unfair.

Getting back to Bill 42, the member for Brampton West-Mississauga made reference, I think during question period actually, when he was responding to a question and certainly tonight as well, to the fact that, "We're doing things differently." Indeed they are doing things differently. They are trying to remove themselves from having responsibility for their own actions, and it is quite phenomenal to see that. Then to hear tonight from the member from Kingston and the Islands that the Minister of the Environment will not even be appearing before the estimates committee to face the opposition members tomorrow, as well as his own colleagues, to answer questions related to Walkerton is truly alarming.

To go back to what the member for Brampton West-Mississauga said, yes, you do things differently, but you're doing things in a manner that is absolutely compromising public safety. I think that's the problem with this bill, Bill 42. Even looking at the way the bill is framed or phrased, it's designed to protect and enhance the public interest while providing greater flexibility. These are all code words now for a different way of doing business. The problem is that ultimately it compromises public safety. Again, I don't think there's anything else we should be more concerned about than public safety, and I think it should be the greatest responsibility we have as legislators. Indeed, privatizing or downloading responsibility and no longer being accountable for it is something that is not acceptable.

We heard the member for Durham earlier tonight talk about the fact that there would be inspectors out there to make sure Bill 42 is actually acted upon. We just don't trust them any more. How can we, in light of all that has gone on with Walkerton? In light of the whole process that led up to Walkerton, how can we trust them? How could the people of Ontario trust this government?

There are so many other elements. This Bill 42 moves technical details to the regulations, "consistent with modern legislative drafting conventions"—their term again. These are their modern legislative drafting conventions. The fact is that everything will be in the regula-



tions and, as we always know, the devil is always in the detail.

I have a number of concerns with this legislation, as do all of my colleagues. I have so many other examples of how the government's lack of attention and its desire to not be the government when indeed they are—they want to remove themselves from that responsibility—and we are seeing an extraordinary cost to that. The tragedy in Walkerton is almost impossible to put into words sometimes. I know there has been extraordinary frustration on this side of the House in relation to that and the fact that the ministry and the minister and the Premier will not even respond to the questions that are put before them. That's something I think the people of Ontario have really had enough of, but as a result, pieces of legislation like Bill 42 have all of us absolutely convinced that we're not going to be putting legislation like this through without being absolutely sure we can have trust in the government, and that's something that I think is now long gone.

I will now pass it on to my colleague from Hamilton East.

**Mr Dominic Agostino (Hamilton East):** As I look at this debate, I often have to question the accuracy of the information we get from across the floor, particularly the accuracy of Tory research. An example that came to mind yesterday was the comment made by the member for Guelph-Wellington, Brenda Elliott. She referred to Dundas Mayor John Addison as a Liberal in comments with regard to the by-election out there. I wish the Tory member Ms Elliott had taken the time to check out the facts, because in fact Mr Addison is not a card-carrying Liberal and never was. As a matter of fact, until recently he was a card-carrying Progressive Conservative. I find that astonishing. Just for the record, the Spectator, which obviously the member relied on as Tory research, ran a correction. It said, "Dundas Mayor John Addison was incorrectly identified as a Liberal." The correction goes on to say: "Addison is not a Liberal. In fact, he was a member of the ... Progressive Conservative Party until last year."

When you look at that and you look at what we're debating in this House, you have to question the trust that the people of Flamborough can put in this government. You have government members who stand up and give incorrect information. I see the member across the floor getting all excited and bent out of shape over there. If he would just listen quietly, he would learn something here. He's getting all excited again, Speaker. The reality is that the people of Flamborough have been betrayed by this government, when you look at the fact that before the election the Premier had promised he was not going to impose a supercity on Flamborough. He promised that to Toni Skarica. Mr Skarica, a man of integrity, took the Premier at his word, and of course the rest is history. We know what happened. The Premier imposed it upon the people of Flamborough despite Mr Skarica's objections, and Mr Skarica felt in principle that he could not support that betrayal of his community and he had to resign.

It gets even better. The minister, Mr Clement, then promised the people of Flamborough an option and said: "If you're not happy with the arrangement we have imposed upon you, we will give you an option. You can democratically choose to opt out of the city of Hamilton." The people of Flamborough, under the leadership of Mayor Ted McMeekin, went through a very public and a very democratic process in deciding their future, their destiny. The government had said, "You can choose your own destiny." They decided they were going to opt out of the city of Hamilton. Lo and behold, we sit here three months after that decision was made, on the eve of a potential by-election that this government must call by August, and this government is still failing to have the courage to tell the people of Flamborough whether they are going to abide by their wishes or whether they're simply going to ignore the wishes of the people of Flamborough once again. When you look at issues like that, you have to question everything the government does in this House.

The people of Flamborough clearly want an answer from the government of Ontario, from Mike Harris and from Tony Clement. They want to know if they're in or out. They want to know if the government is going to abide by the wish they gave them. On this side of the House we believe that once the people of Flamborough were given that choice to decide their own future, and that was given to them by this government, this government had a responsibility, I believe a moral and ethical responsibility, to abide by the wishes of the people of Flamborough. They're now simply trying to stall for time until the by-election is over. They think they can fool the people of Flamborough again. They think they can take them for fools, as they did before the election. That's not going to happen because the people of Flamborough know that this government is simply stalling and trying to buy time, that it doesn't have the courage to make a decision. Clearly this government should come forward, before the by-election is held, and tell the people of Flamborough where they stand.

**2010**

Mayor McMeekin's wish is clear. He believes, as that community does, that Flamborough should now be part of the city of Hamilton. We're asking the provincial government to abide by those wishes, not to delay and stall and appoint more mediators and facilitators and waste more time. Come forward, come clean, and tell the people of Flamborough where you stand on this. Be accurate for a change, not inaccurate as the member for Guelph-Wellington was when she identified Mayor Addison as a Liberal, not inaccurate as the Premier was when he told the people of Flamborough he wasn't going to impose a supercity on them, not inaccurate as when the minister told them they had a choice, but now they're unwilling to go along with those wishes.

As a wrap-up, I again ask the government: Have the courage to come clean. Tell the people of Flamborough where you stand in regard to their future, and have the courage to call a by-election today.

**The Acting Speaker (Mr Michael A. Brown):** Questions and comments?

**Ms Churley:** I listened carefully to my Liberal colleagues as they spoke on Bill 42. I want to point out to the members in the House tonight that I'm not sure if people realize, although I believe it's dawning on people now, the significance of Bill 42, the bill we're debating tonight. The comments by my Liberal colleagues in many ways related to this bill, because we're talking about privatization of services and the transfer of government functions and authorities to the private sector, which is not accountable and not under the effective control of the government, and that which is very troubling indeed. That's what this bill is all about.

I think we will all admit that this one nearly slipped through. It nearly got away from us because when the government brought in the first stage of this in 1997—I know the NDP voted against it and we gave our reasons why—this big, thick bill was presented to us as if they were technical amendments. We're so busy here and things are flying so fast; I'm an ex-Minister of Consumer and Commercial Relations and I know I should have paid more attention.

Frankly, I think I'm the only one in the Legislature who finally took a look at this thing, consulted with the Canadian Institute for Environmental Law and Policy, Dr Mark Winfield, who had put out a tremendously good report on the problems with this bill. It nearly slipped through. I proposed amendments in the committee, based on the recommendations in that report and my discussions with Dr Winfield, which the government didn't support.

We are talking about a very significant bill here tonight that jeopardizes the safety of Ontarians down the road if we don't find an opportunity to at least make those amendments. I hope that people, and government members in particular, will start taking these comments seriously.

**Mr Garfield Dunlop (Simcoe North):** It's a pleasure to rise tonight to make some comments on Bill 42, the Technical Standards and Safety Act. After reading it, what I think the legislation calls for is the consolidation of seven current standards, and that includes the Amusement Devices Act, the Boilers and Pressure Vessels Act, the Elevating Devices Act—I assume those are elevators—the Energy Act, the Gasoline Handling Act, the Operating Engineers Act and the Upholstered and Stuffed Articles Act.

I would like to refer just for a second to the Gasoline Handling Act. I keep a close eye on a gasoline service station on Avenue Road that has recently been demolished. They're renovating and remodelling the whole building and, as well, they're replacing the tanks. I know the standards they're applying today are much more stringent than we've had in the past. We used to have metal tanks in the ground that developed leaks. I understood that was an environmental concern. Today they are fiberglass wrapped in different forms of plastic and tested

under very high pressures to make sure they handle the pressure very well.

As well, I would like to comment briefly on a comment made by the member for Kingston and the Islands, when he praised the Minister of Health and her work and the challenges she has faced. I'd like to praise her as well because she is in the House tonight. When you look at it, she is a lady who now has a budget of \$22 billion a year, and that's with the loss of almost \$5 billion in transfer payments from the federal government over the last five years. So I'd like to make those comments.

**Mr James J. Bradley (St Catharines):** In the grand total of two minutes I have to speak tonight on this bill—

**Ms Churley:** Is that all you've got, Jim?

**Mr Bradley:** I may make sure this bill goes on a couple of more days, if that's what you want to hear.

Why would anybody trust this government at all any more with any kind of bill like this that puts the fox in charge of the hen house? After what has happened in the Ministry of the Environment—and we can't even get the minister to appear before a committee. I think this House should be brought to a standstill until this government produces a Minister of the Environment in the committee to defend his estimates, and quits playing the games we saw this afternoon in the committee, that somehow the minister can't be there. You move a motion, "We'll accommodate the minister," but the real idea is that they want to protect him.

It's just unacceptable that this minister does that, so I think the House should sit into the summer and call this government to account all summer long. It's absolutely ridiculous that that could happen in our society, that a minister can refuse to appear before a committee on a very controversial matter.

In this House, across this province, there is discussion on environmental matters. What do we get? A minister who floats in with his statement and then floats out at the end of the day, and they want to stick a parliamentary assistant in to do his job. That's not acceptable. I don't think the opposition should have one iota of co-operation with that gang over there until such time as that minister agrees to appear in the committee.

It wasn't as though we were being unreasonable. We were prepared to accommodate him by moving the time in the committee. But it was clear that the political operatives in the Premier's office don't want him to appear. It's the same old game-playing that you're always involved with. Oh, you're going to be open now; you're going to have your inquiry. There's a new spin coming this week. Well, if you've got a new spin, then apply it to this committee and make that minister appear before the committee.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** The Technical Standards and Safety Authority is a carefully designed board of people who care about the safety and the concerns of the people in Ontario and the future. The board has been carefully constructed so that it represents a whole host of different interests so that one interest



cannot overrepresent one area or one sector of the economy or the industry.

If you compare this particular creation with the creation of the airport authority, I think you would find that the balance on this board is much more carefully designed than perhaps in that case, in terms of representing the consumer interest, and that's what the TSSA is about. The TSSA is about ensuring that safety standards are properly inspected, properly enforced and properly there for the safety of the consumer.

It's very difficult to structure such a board, but I think that of all the examples, either at the federal or the provincial level, probably TSSA could stand the test of any of them and probably would pass the test ahead of any of them. I believe that the creation of and support for this particular institution should be greater than for any of the other non-profit bodies that have been set up either at the federal or the provincial level, ever.

2020

**The Acting Speaker:** Response?

**Mr Gerretsen:** I'd like to thank all my colleagues for joining in the hour debate, and the members who spoke in response as well.

What the minister doesn't seem to get is this: It may very well be that this group is very well intentioned. The problem is, they are going to worry first and foremost about their industry.

The consumers can only be protected by the ministry, by the government. The people out there want the government to protect their interests. The government is the body that's accountable to the electorate, and what you are doing in this bill is setting up an agency that is once removed from government. You will no longer take responsibility, like you no longer take responsibility for so many other areas because you've just offloaded them to other agencies and to other bodies.

One other point, and the member for St Catharines raised it again: Surely to goodness, with the environmental situation the way it is in this province and the high degree of interest that people have in what's happened to the Ministry of the Environment, you as House leader can make sure that the Minister of the Environment is in his place tomorrow at 3:30 pm at the estimates—

**Hon Mr Sterling:** What has that got to do with it?

**Mr Gerretsen:** It's got everything to do with it. The Minister of the Environment is scheduled to be in front of estimates for seven and a half hours, and the minister has basically said he cannot make it tomorrow. He's not prepared to let the time go on to some other day for the simple reason that he wants to be in the House so that he can speak on the non-confidence motion. I say let him speak on the non-confidence motion, but for the other two hours let him appear before the estimates committee. That's what the people of Ontario want, that's what the opposition parties want, and surely to goodness that's what the government backbenchers want as well.

**The Acting Speaker:** Further debate?

**Mr Tony Martin (Sault Ste Marie):** I want to say at the outset that I'll be splitting my time with the member for Broadview-Greenwood and to also say that if it had not been for the member for Broadview-Greenwood, I, the critic in this instance, would not have become aware of some of the very real difficulties inherent in this act, some of the hidden time bombs that are there that, particularly in light of the recent revelations at Walkerton in this province, all of us need to be more and more concerned about as less and less government is the order of the day, less and less regulation protects us, and we have fewer and fewer of the agencies which were put in place over a long period of time by subsequent governments to protect the common health of the province, to act in perspective of the public health to minimize and limit the instances such as Walkerton that will happen out there.

The member for Broadview-Greenwood, in consultation with some of the folks she knows so well—because she's worked so long and has become so knowledgeable in the area of the environment, its protection and how important that is—has brought to all of us here in the opposition some very real concerns, some light, some information, some intelligence that I think has to be shared.

It causes me, in particular, to have to take a very serious step back. Many of you will remember that I stood in this House at second reading of this bill to suggest, given that the very troubling evolution of this had actually already started and been put in place by way of the separating of the Technical Standards and Safety Authority from the ministry itself some few years ago, that now it made sense that we would bring up to date and consolidate some of the acts that governed it and that it would work with. But as the member from Broadview-Greenwood suggests, that was a bit of a Trojan Horse. Some of you will know that I have, over the last six years, raised the spectre of the Trojan Horse on a number of occasions as I spoke about bills that this government presents with very fancy titles, language that soothes the nerves. The government has at its disposal just a ton of money to hire the best communications experts and public relations people to spin this stuff out and lull us into a feeling of safety and lack of concern when that isn't what's going to happen.

I have to say that however tragic it was, the Walkerton situation certainly woke a whole lot of us up to just exactly what is going to happen, will continue to happen in this province if we don't concern ourselves about legislation and regulation and the monitoring of regulation to make sure there are protocols in place, red flags that go up, and that people have the authority and the freedom to tell the public when there's a problem coming at them and do not have to wait until after it's too late.

The minister responsible for this act would like us to believe that Bill 42 will "help to protect millions of consumers every time they ride an elevator or escalator, take their children on a ski lift or Ferris wheel, or use the propane stove at their cottage."

The minister says, "Under this legislation, we will become leaders in public safety by giving our technical industries the ability to quickly take advantage of new innovations in safety equipment and technology as they become available."

I think the people of Ontario will find these words very hard to swallow in the wake of the tragedy with Walkerton's water and the numerous examples of contaminated drinking water that have been brought to light in the last few days across this province. This government would like us to believe they are leaders in public safety, but with thousands of people violently ill over *E coli* bacteria infection in their drinking water in Walkerton, with seven, possibly 11, people dead in Walkerton because of the *E coli* outbreak, I suggest this government had better start moving away from meaningless, empty rhetoric and start truly putting the government to work on restoring public safety in Ontario. The lesson of Walkerton is this: that this government's rush to privatize anything that moves, to slash government spending and staffing, to divest itself of any responsibility for public safety is a recipe for disaster. It was a recipe for the water disaster we saw in Walkerton, and it is a recipe for disaster in our elevators, on our ski lifts, on our Ferris wheels, and I dare say at our cottages as the summer comes at us. Unless this government starts to take seriously the need for clear policy directions, for clear management of public safety issues, and for clear inspection and enforcement of public safety, more disasters lie ahead.

This act purports to give technical industries the ability to take advantage of new innovations in safety equipment and technology as they become available, but it does nothing to beef up the regulatory function related to public safety that the Canadian Institute for Environmental Law and Policy, CIELAP, recently documented in its study of Ontario's Technical Standards and Safety Authority. In that study, CIELAP looked at the organization charged with the administration of public safety issues outlined in Bill 42. In 1996, this government delegated responsibility of seven safety-related statutes to the Ontario Technical Standards and Safety Authority, TSSA, which is a private, not-for-profit corporation. In the next two years, this government would continue to devolve various public safety responsibilities onto TSSA. TSSA's responsibilities include inspection, approvals and law enforcement of things like amusement rides, elevators, propane tanks etc.

I'd like to speak for a second on the issue of regulation, which is what this is about. This piece of legislation will give regulatory power to an organization that's not-for-profit, yes, and arm's length from government, but more importantly, overseen in a very serious and significant way by the private sector itself that this organization will serve in terms of safety inspections and certificates and things that this industry will have to call on by way of notes of approval etc. That should worry many of us in this place, particularly in light of the way this government has operated over the last few years.

## 2030

I must say that the people in the legislative library have done some very good work for me today in digging out a bit of research so that I might share a couple of thoughts with the House tonight on just exactly how important it is that there be some government oversight by way of regulatory bodies and offices like the Ombudsman and the Environmental Commissioner if in fact, as happened in Walkerton, the system breaks down, the protocol doesn't work, the people who should know don't know or the people who do know decide for whatever reason that they shouldn't pass the information that they have on to other authorities. The whole thing breaks down and all of us become in some very significant ways put at risk. It says here:

"Much lawmaking is affected by subordinate legislation known as regulations. The statute itself empowers the government (formally the Governor General or the Lieutenant Governor, or in some cases, a minister, board, commission or tribunal) to make law without further legislation. By this means, detailed provisions need not be debated in the Legislature, and flexibility can be maintained to enable the government to act quickly to meet an unexpected case without initiating new legislation. The attractions of this approach to a government are readily apparent. Suppose a government proposes a law to establish minimum wages, but it is generally agreed that payment of minimum wages will impose too great a burden on certain classes of employers. A debate in the Legislature on the precise classes of employers to be exempted will be time-consuming, divisive, and will certainly leave gaps and anomalies. It is much easier to enact that all employers shall pay minimum wages, but that the Lieutenant Governor may make regulations exempting certain classes of employers from the operation of the act. Then the regulations can be quickly and easily enacted, amended and repealed as experience suggests. The regulations when passed have the force of the statute itself."

In other words, exemptions can be made, things can be set aside. The regular checks and balances of government that are so obviously needed, particularly in light of what's happened in Walkerton, will not be there if these bodies, these not-for-profit organizations, are simply allowed to work out there on their own, unencumbered by the usual bodies that oversee and challenge and make sure and from time to time bring public inspection to the situation and share with all of us what's going on out there.

What CIELAP found in the study is disconcerting, to say the least. The study identifies a number of weaknesses in the TSSA model where these regulations are concerned.

The study shows this government failed to provide TSSA with clear policy direction from the outset—a frightening echo of the Walkerton tragedy, where the private lab that tested Walkerton's water wasn't aware it was supposed to report to the Ministry of Environment when it sent its "Rush, rush, rush" memo to the Walker-



ton Public Utilities Commission advising of unacceptable *E coli* levels in the water.

In the absence of policy direction, the TSSA has been left to define its own course and there are significant gaps in that course, given, again, as I said before, that most of the people on the board of the TSSA will be from that private sector that they pretend to oversee.

For instance, the TSSA is now responsible for public safety for things like underground storage tanks for gasoline at the corner service station. These are things that could have tremendous impact on the environment, yet there are no references to the protection of the environment within the mix of regulatory and promotional roles outlined for the Technical Standards and Safety Association.

In the study, CIELAP shows how the activities of the TSSA go beyond the administrative mandate initially described by the Minister of Consumer and Commercial Relations in 1996, when the act was passed. And it shows that even if the government wanted to give direction to TSSA to ensure the public's safety, the government has lost much of its capacity to do so. In a nutshell, the government has transferred almost all of its policy and technical expertise in public safety regulation to the TSSA, so our safety is now in the hands of a private organization over which this government has very little authority.

That shouldn't surprise us because that's been the track record of this government over the last six years: to take things that we, as legislators, have come here to debate and study and put in place to protect the common life of all of us out there, to protect public safety, and turn them over to some private sector organization because it's felt that they can do it more cost-effectively and more efficiently. We know now, tragically, that in fact that's a very wrong-headed approach and has put all of us in this province at risk. It'll be interesting tomorrow, as we debate in this House a vote of non-confidence in the government, how the government side will stand up and defend itself in front of the very damning evidence that we now have where Walkerton is concerned and the lack of proper protocol and process and regulation to protect us in only one instance, which is the instance of the safety of our drinking water.

There are many other very troubling circumstances brewing out there that I think will show their heads in the next days and weeks and months as this government continues down its merry old way, not wanting to be government, throwing out the mantra, playing the mantra that they're here to fix government when in fact the reality is that they're here to do away with government. I suggest to you that we have not seen anybody, in my history certainly, killed or jeopardized in any way because there was too much government or because people paid too many taxes. But we're certainly beginning to see some tragic outcomes of some of the policies of this group who don't consider themselves government, who want to diminish government, who want to do away with good regulation, who want to do away with the overseeing of good regulation, who want to give away the taxes

that we all contribute so that we can have in place good public institutions that will protect us, so that the more well off among us can buy more toys, have more vacations, perhaps put more money into stocks and bonds that will protect them as they move into their twilight years. Alas, many of the middle-class and poor people in this province won't see their twilight years if we continue on this track.

Then the study looks at the TSSA structure and comes up with another worrisome conclusion: The directors at TSSA are in a potential conflict of interest between their role as "representatives" of particular sectors and their obligations as directors at TSSA. In some situations, directors might find themselves torn between the public safety responsibilities they hold at the TSSA and the economic or policy issues that could affect their employers outside of the TSSA. You can just imagine their dilemma: "Do I push for tougher safety regulations or do I keep the status quo because tougher regulations cost money?"

We've heard already over there this evening the mantra that we always hear, that we on this side are for the status quo, that we want to maintain the status quo. I have to tell you that in some instances maintaining the status quo and building on the status quo is a heck of a lot better than just wiping out the status quo altogether and leaving nothing in its place to protect the public interest, which is, as I've said before, the track record of this government over and over again.

Regulations have been put in place in this province not because somebody had a dream one night or woke up one morning or sat down one day and had a moment of brilliance and decided: "Whoops, we need some regulation here. Let's bring some people in and draft some and put it in place just so that we can bother people, just so that we can give people some more work or give government more power or more authority." No, regulations have been put in place in this province over a long number of years now for, I suggest to you, all the right reasons: Somebody has been hurt in an accident, somebody has died, drinking water has become infected, air has become polluted—just a whole host of things that threaten the public health of all of us in one way or another, whether it be in a private sector workplace or out there in our communities or in a school or a hospital or anywhere across this province.

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There's been a crisis detected and agreed on. Government would pull together the best of information, would gather around the table the brightest of minds and specialists in that particular area and come up with some definition of the particular circumstance, come up with a series of recommendations of things that government could do to protect the public interest. Government would then, in this place, at committee and across this province, talk among themselves, talk with the public about the recommendations, and then ultimately decide together, in a public process, very open and public, that some regulations needed to be put in place, some regu-

latory body needed to be established and empowered to take action to protect the public interest. So we get the myriad of regulatory regimes that exist today in this province that this government over here writes off as simply red tape when in fact they should look at it further and decide that the people who put that regulation in place in the first place were right. If we are at all concerned about public safety and public health, we will agree that they're right.

Now, I'm not suggesting for a second that we shouldn't revisit these things from time to time and bring to the table new information and look at the track record that we've had over the last 10 or 20 years regarding a certain set of regulations and public safety issues and update those. But for goodness' sake, don't just wipe them out. Don't take away those overseeing bodies and powers that make sure the people who are charged with administering these things are challenged to continually, day after day, time after time, follow the protocol, make their reports, tell the people who need to be told and ultimately tell the public, and are not afraid to do that because they know it is the right thing to do.

Walkerton is a prime example of where all that breaks down, where you have a government that doesn't believe in that, when you have a government that's encouraging the diminishing of some of those requirements because they are not efficient and they cost too much. You have a government that's not willing to invest in the people required to actually oversee and run those departments. As they keep hiving off some of these things to the not-for-profit or private sector, removing them from the accountability and responsibility of government, you should expect to see some things begin to fall apart. You should expect to see some realities appear out there that will be very troubling indeed and very detrimental to the good public health of all of us.

There is a reason government should play a strong role in defining and administering public safety policies. I've just listed a few of those reasons: Governments should be acting as independent bodies looking out for the interests of the public, especially when it comes to the important issue of public safety. When you hand off these responsibilities to private organizations, the line between public safety and private profit can get blurred with the spin of a dime, overnight, in a moment of anxiety about, "What's the boss going to say? What are the private sector people going to say when I next show up at a board meeting? What am I going to say when they challenge me about why I did that or didn't do that?"

Our friends across the room will be quick to assure us that the Technical Safety and Standards Authority is accountable to the minister for its performance. But without clear government policy directions, without strong government support and guidance, the degree to which the ministry can effectively oversee the TSSA's activities and, if necessary, control them is open to serious question. How can the ministry ascertain whether TSSA is indeed making Ontario a leader in public safety when the ministry is divesting itself of its own experts, of

staff who are on top of the issues, who shape policy, and who make sure public safety is put above all other priorities, even the cost-cutting priority of this government?

In its study, CIELAP raises another, perhaps more immediate concern. TSSA, as a private organization, is not subject to the Audit Act. This is where I really give kudos to the member for Broadview-Greenwood, the former Minister of Consumer and Commercial Relations in the NDP government of the early 1990s, for doing her work, for listening to those people who would phone her and tell her about these things and challenge her to act. Indeed, her track record is that she does act and she brings information that she gathers, new information that she finds, to the attention of our caucus, to the attention of the opposition over here, and ultimately, through this process that we're at here tonight, to the attention of the whole House and of the people of Ontario.

We find that the TSSA, this private organization, is not subject to the Audit Act, the Ombudsman Act, the Freedom of Information and Protection of Privacy Act, the Lobbyist Registration Act and the Environmental Bill of Rights. Who is it accountable to? That is the question we should all be asking. Provisions were made within the TSSA administrative agreement regarding the freedom of information and protection of privacy, the resolution of complaints, and the provision of French-language services. But both the privacy commissioner and the Ombudsman say those provisions don't provide the same legal protections as those provided through the legislation that would normally apply to a provincial agency. So we've got a private organization with lots of power, potential conflict of interest, no clear directives from government, no strong support or guidance from government, and no legal obligation to provide the same kind of privacy, complaints or language services that a provincial agency would have to provide.

CIELAP raises an excellent question: What happens when veteran public service personnel are replaced with new staff without government experience in public safety legislation? We've seen that over and over again across this province, and no more obviously than in northern Ontario, where the protection of our natural environment, of our forests, is now more and more being left in the hands of the private sector. There are some really good people who have shifted over and are working with the private sector to enact and oversee and make sure that some of the regulation that's in place is being followed, but I suggest to you that there aren't enough of them. At the end of the day, they will end up in the same situation as the people who work for the TSSA, which is that they will find themselves in a conflict of interest.

The question then will be: Which way will they go? Which decision will they make? Who will be ultimately the lord and master? Who will they have to report to when it's obvious that on one hand they will have to report to the board of directors or the companies or the private sector folks who can walk into their offices at any time or who in some instances sign their name at the bottom of their cheques? Or will they report to a gov-



ernment that's far off in Queen's Park or a public that really doesn't fully understand the full consequence of some of this until something such as Walkerton happens? CIELAP, as I said, raises the excellent question: What happens as TSSA ages, grows or shrinks, and changes regulatory or promotional direction? Hollow assurances that the government will be there are simply that: very hollow.

The whole idea of moving from regulation by public servants to industry self-regulation has been very troubling to us. Among other things, this government has made the TSSA responsible for elevator inspections. Here's what we hear from the inside. The inspectors who used to work for the Ministry of Consumer and Commercial Relations now work for the TSSA. The elevator inspectors found that when they wrote reports, the companies involved went to the TSSA management and complained. Some managers told inspectors not to write up the infractions they found. This was known internally as "Operation Clean Sheet." Fortunately, the inspectors stood up to their management. Then they were told only to write up direct and glaring contraventions. Again the inspectors stood up for public safety when TSSA management wanted to cave in to the companies they were inspecting. This is what we heard was going on inside the TSSA last year. Fortunately, we have public-spirited staff inside the agency.

It's the structure of industry self-regulation that is most problematic. It's the structure of a private organization left to find its own regulatory way through the public safety maze that worries us the most. It worries us when we read about the coroner's inquest currently underway in the 1998 death of Jerome Charron, who died at the Central Canada Exhibition when he became detached from the Rocket Launcher reverse bungee ride.

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At that inquest, the director of the marketplace standards and services branch for the Ministry of Consumer and Commercial Relations said two inspectors who examined the Rocket Launcher four days before Charron's fatal ride had little or no training inspecting reverse bungee rides. "Inspectors act as a 'second pair of eyes' checking the work of an engineer hired by a ride operator," the director said. "But that second pair of eyes doesn't necessarily have the accreditation to do the inspection in the first place," he admitted. Bill 42—

**Hon Chris Stockwell (Minister of Labour):** You're reading this.

**Mr Martin:** Yes, I'm reading because I want to make sure that every word of this gets on the record and that you understand the seriousness of this where the death of Jerome Charron is concerned. That ain't funny, member from Etobicoke Centre, or whatever.

Bill 42 allows the TSSA to change regulations to reflect innovations in amusement rides, but what does it do to ensure qualified inspectors are regularly looking out for the public's safety? The coroner's inquest into Jerome Charron's death has heard that a blue nylon strap was improperly added to the bungee harness attachments used

by Mr Charron. One of the inspectors at the inquest testified: "I had never inspected a bungee ride before. I had only seen one being inspected."

**Hon Mr Stockwell:** Table that document. You should table that.

**Mr Martin:** That's the Minister of Labour talking over there. This is in his jurisdiction and he thinks it's nothing, as if it's funny or something.

"The operator said everything was in accordance with the technical dossier on the ride."

Again, shades of Walkerton, where we see the government and the Minister of Labour shuffling off their public safety responsibilities on to a private organization that is left to figure things out for itself. Now, like Walkerton, the Premier might inappropriately try to shirk blame and reduce it simply to human error, which is obviously what the Minister of Labour is doing here tonight. But human error is bound to result from such flawed systems where the government has given up its responsibilities and, one can only presume, decided to hope for the best.

Let's not wait for any more bungee deaths. Let's not allow any more public safety disasters on the scale of Walkerton to ever happen again. There is a time and a place for stronger government influence over regulations and enforcement. That time and place is here and now. Bill 42 ultimately fails to address the problems this government created by shuffling off its public safety responsibilities on to a private organization without clear policy direction, and without clear paths and measures to ensure accountability.

Until this government can prove its ministry is in control of the regulatory and inspection functions of public safety, rhetoric that Ontario will be the leader in public safety is simply that: rhetoric.

I turn it over now to the member for Broadview-Greenwood.

**Ms Churley:** I'm troubled by what I believe is a lack of clarity and understanding about the importance of the issues we're talking about here tonight. As I admitted earlier, this one fell through the cracks and we almost didn't notice it. It almost passed because it was presented to us as a—

*Interjection.*

**Ms Churley:** I guess it still is going to. It almost passed without any comment. It almost sailed right through. Listen to the long title of the bill: Bill 42, An Act to enhance public safety and to improve competitiveness by ensuring compliance with modernized technical standards in various industries.

As you know, the New Democratic Party is on record as having opposed the first stage of the creation of the TSSA. That was created in 1997 and we're on record as to why we opposed it. I'm not going to go into that again tonight, because I want to speak specifically to and follow up on some of the comments my colleague from Sault Ste Marie made tonight. I thank him for acknowledging some of the work I did on this. I very much appreciate that.

We objected then to something as important as public safety being turned over to the private sector without the proper safeguards in place. Leaving aside for a moment what we think about putting our safety regulations into the private sector—that is one thing—we objected and we're particularly objecting now, for a whole bunch of reasons, about the so-called technical side of this.

When the government passed this bill, it didn't give clear policy direction or a clear mandate to protect the environment and public safety. That was one of the many simple amendments that I made in legislative committee, and the government refused to put even that into the bill, just a simple amendment that would say, "Each designated administrative authority shall exercise its powers and duties under this act in such a manner as to protect the environment and the health and safety of the public." For some reason the government wouldn't even go along with that and allow that to be in the bill, at least a clear policy statement within the bill.

Now what we have here tonight up for third reading is Bill 42. We cannot support this bill, and we will not support this bill. In fact, I want to put it on the record tonight that most of our members want an opportunity to speak to this bill. We're deeply concerned about it. We want to do everything we can to convince the government that they shouldn't pass it without at least these amendments I made that they turned down in committee. We want the public aware, if it does pass, and we want the press to start noticing what's going on here.

As Ian Urquhart wrote in the *Star* just a few days ago, this government is moving at lightning speed on so many fronts without public consultation. Bills are going through here so fast that it's really hard to keep track. That's true for us, for the members in this Legislature, for the opposition. I would say it's true for government members too. They get up and mouth the words that they're given in speeches. Half the time they don't even know what it is they're talking about. Things are going through here so quickly. The media have been downsized around this place too, I've noticed, over the past few years. They're scrambling. They're not able to keep up with all the bills that come through this place.

This one was seen very clearly. As was told to our critic, the member for Sault Ste Marie, "It's just the technical side to a bill that's already passed; don't worry about it," and it almost got swept under the carpet.

We are determined to debate this bill for as long as we can. I suppose the government will time-allocate it or bring in closure, but we absolutely have to make sure that the public and the press—perhaps the public through the press—are aware of what is going on here.

The legislation strips all of the substantive elements within the existing legislation, and we're talking about public safety here. It strips all of the substantive elements within the existing legislation and it replaces them with general enabling authority for the Lieutenant Governor in Council to make regulation. This diminishes once again the role of the Legislature, the role of legislators here to have input. It weakens even further the ability of the

public to be involved in giving policy direction to the government.

The accountability structure for the TSSA is the weakest in all jurisdictions in the world. There have been other models similar to this in other jurisdictions. This is the weakest in terms of accountability. As has been pointed out by the member for Sault Ste Marie, this actually escapes oversight by the Ombudsman, the auditor, freedom of information, privacy protection, the Integrity Commissioner. That means lobbyists won't have to register.

I was told, I believe, that it actually did come under the EBR and now I'm not sure about that. I sure hope it does because of fuel safety and leaking underground storage tanks. As an aside here, I want to say that when I was Minister of Consumer and Commercial Relations, I brought in the toughest regulation for leaking underground storage tanks in North America. I don't feel very easy, because that affects our groundwater, just to clarify here. These leaking underground storage tanks are all over the place. Some of them are hidden. They start to leak and they get into the groundwater. This is a very serious environmental and water issue.

I don't like the idea of those regulations now being substantively stripped from what they were, and having a private, not-for-profit entity which does not have the proper government oversight taking care of those regulations. It really worries me.

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This body that we're talking about here tonight—and I want the government to understand this and pay attention to this. I made amendments at committee to at least deal with some of the biggest problems. Wouldn't you say that it would make sense, even if the government doesn't agree—talk about common sense—that if you're going to be doing this, you would at least make sure that it is accountable? It is operating in a total accountability vacuum.

I really don't understand, except I will tell you that in committee when I made these amendments—the particular amendments I'm talking about here are to make sure that the overseeing bodies have the authority to oversee this not-for-profit, private body that's now in charge of our safety laws in this province—each one of them was systematically turned down by the government. And do you know what their answer was? "Well, it might be a good idea, you're right. What you're saying here makes some sense, but, hey, we've got some kind of"—I hadn't heard of it before but apparently there is some review committee looking at all of the privatization that this government has done. I suppose it's going to recommend to the government some of these kinds of issues that we're talking about here tonight. What I was told in committee is: "Don't worry about it. Trust us. We're going to be looking at all of this later."

Well, I've got to tell you, I nearly fell out of my chair this morning but wasn't surprised when I saw a headline in the *Globe and Mail* on the front page that while we're in the middle of this Walkerton crisis, the government is



looking at completely privatizing all of our sewer and water operations.

This is all happening in a vacuum of accountability. What is wrong with this picture? People have to understand that the bill we're talking about tonight is indeed very serious. I want to be on the record on this. I want to be on the record as having warned the government tonight that they're making a big mistake. The potential for disasters down the road is great. I hope it doesn't happen, but if we go ahead with this bill tonight as it is, without those accountability structures in place, we are going down a very dangerous road.

The other day when we were talking about what happened in Walkerton, I read passages from Hansard of things that I had said in 1996-97, that my leader said, that the Environmental Commissioner said, that the auditor said, that a variety of environmental groups said, warning the government at the time that there was a problem with their deregulation and cuts and it was going to have a huge negative impact on environmental protection and our health. I wasn't happy standing up after the fact and reminding the government that a few years ago they were warned that something like this would happen, and I'm not happy standing here tonight warning the government, which isn't listening, which doesn't understand the implications of what it's doing. They are looking at their watches, waiting for this to finish so they can go home. I am trying to get them to pay attention tonight because this is indeed a serious issue that we're talking about.

The amendments I moved would have taken care of, very simply, one of the major problems with this bill, it's lack of accountability, the accountability vacuum in which it's going to operate. The government had an opportunity to do something about that and refused to do it. I'd love to find out more about this body that's supposed to be put together by the government to look at the privatized structures within our province. I'm looking forward to those recommendations, but I'd be surprised if we're going to see them for a while. In the meantime, once this bill passes, that body is going to be set up and it's going to be out there running things.

I want to go back to what my colleague from Sault Ste Marie said, because it really struck me. I heard about this a while ago, and I hope some government members will listen to this, to what we heard from some elevator inspectors. They were inspectors who worked under me when I was the Minister of Consumer and Commercial Relations. They found that when they wrote their reports, they were told not to act on them. Don't you consider that a very serious problem? Some managers told inspectors not to write up the infractions they found. This was known as Operation Clean Sheet. We're very pleased to know that the inspectors did not listen to the managers and they wrote those up anyway, but then they were told to just write up direct and glaring contraventions. Again the inspectors stood up for public safety at the time, but how can we guarantee down the road that that's the way it's going to be in the future?

I mentioned earlier in a two-minute response to my colleagues in the Liberal Party that it was CELA that wrote this very good analysis and report. They called it *New Public Management Comes to Ontario*. I was mistaken; I do that sometimes. It was actually the Canadian Institute for Environmental Law and Policy, and it was prepared by Dr Mark Winfield, with Shelly Kaufmann and David Whorley. The three of them did an excellent research paper and report on this. I urge all government members and all people to read that report and get a sense of what you're doing here and the implications of some of the dangers that lie ahead if you don't at least make these amendments.

Some of my amendments were based specifically on the recommendations in the CIELAP report. I'm going to read you some of those recommendations now, based on the comments made earlier by our critic in this area, my colleague from Sault Ste Marie. These recommendations are critical if we're going to go ahead with this privatization.

"(1) The provision of a clearer and specific statutory mandate, giving priority to the protection of public safety, health and the environment." I've got my amendment here. I tried to get it passed at committee and the Tories turned it down.

"(2) The restructuring of the board of directors to ensure that a majority of the directors are independent of regulated economic interests." There was an amendment made to deal with that too. It was turned down by the government members.

"(3) The adoption of strong conflict-of-interest rules where directors or their employers have economic or policy interests affected by TSSA activities and decisions.

"(4) Put TSSA and similar organizations under the formal accountability framework normally applicable to provincial government agencies, including the Audit Act, Ombudsman Act, Freedom of Information and Protection of Privacy Act, and Lobbyist Registration Act." Again, here is the amendment.

They were presented at committee; very simple, very clear amendments, turned down. But they're still here. If the government wants, we could give them another opportunity. I'd be willing to go into committee of the whole House, make those amendments and get it done before we vote on this bill.

The other thing that CIELAP questions is "the advisability of further expansion of the delegated administrative authority model. The goal of separating administrative and policy-making functions—rowing and steering—within the model has not been achieved in the case of TSSA, and this should be a priority." I believe the whole rowing and steering that's being referred to here is that the government steers by making the rules and regulations and setting up the accountability system, and the agency was supposed to just do the rowing. That's what we were told but that's not the way it's working out. It's been pointed out already that almost all of the staff from the Ministry of Consumer and Commercial Relations,

and therefore all the expertise, are now all over with this agency and the board. The majority are industry reps. They're going to be both rowing and steering, and that is not what the government first told us would happen.

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Furthermore, as I keep pointing out again and again because I want these amendments passed, it is not subject to the same level of accountability that a conventional government agency would be subject to. That is a very big problem. Don't the government members understand how serious this is, that they're setting up this body without any public accountability, and it deals with our very lives? We're talking about public safety.

Finally, CIELAP warns—and again I've expressed and my colleague has expressed and other colleagues will express that we're extremely concerned about the transfer of government functions and authority to a private entity that is not under the effective control of government. That's what we have going on here. That is what happened in Walkerton. That is precisely what happened. The government closed the four public labs and completely privatized drinking water testing, gave municipalities eight weeks to find a private lab, without any accountability in the law about the labs having to be accredited or having to be certified, and off the municipalities went.

The interesting things about this is that it was a government employee, or a person who had been a government employee, who blew the whistle on this. He had worked for the Ministry of the Environment for 26 years. He is a scientist and now is very involved in the private sector in Walkerton—very, very experienced. He had left his private business just before the E coli final tests were submitted and then another company was hired that did not have that government experience. The whole system fell apart. It was just because, in my view, this one man, a scientist who had worked for the government for all those years, knew the policies, knew the guidelines, knew exactly what to do and did it. It was the new lab that didn't understand, or weren't told or whatever, the reporting structure and the whole system fell apart.

That should be such a warning to the government. If it wasn't before, if they have paid no attention to what I'm talking about here tonight, they should be now. We're talking about public safety. We're talking about human lives here. There are things we can do to at least make this new body more accountable to the public, and they're refusing to take that action.

Let's not wait for more bungee deaths. My colleague just talked about what happened in Ottawa, and again the government members weren't listening very closely to that and were teasing him about reading this information. We want this information in the record. We don't want any more public safety disasters on the scale of Walkerton to ever happen again. There is a time, no matter what you feel, no matter what our differences are in philosophy about the government's function in our society, I think, I would very much hope, particularly after Walkerton, that we would all agree there is a time and a place

for stronger government influence over regulation and enforcement. That time and place is now; not tomorrow, not next year, not after some other disaster. It is now. Bill 42 ultimately fails to address the problems this government created by shuffling off its public safety responsibilities on to a private organization without clear policy direction and without clear paths and measures to ensure accountability. Until the government can prove its ministry is in control of the regulatory and inspection functions of public safety, rhetoric that they're giving out tonight that Ontario will be the leader in public safety is simply that: rhetoric. What we're hearing from government members tonight is: "Trust us. We know what we're doing. We don't need this accountability."

I want to put on the record, and I think this is very important, that I know Mr John Walter very well. He was a director of technical standards when I was the Minister of Consumer and Commercial Relations and he is now the director of this new agency. I want to say that I have nothing but the highest respect for John. I am sure he is doing everything he can, of course under government control and orders, to make this body work to the extent he can, but within the guidelines and framework that were given to him by the government. I'm sure he would agree with me—not putting words in his mouth, but from what I understand about Mr Walter, he would be very concerned and I know he would want to make sure that the agency he now runs is at the very least accountable to the public in a way it isn't now.

I don't know where we go from here with this. I know the rules of the House very well and I know that we're now here. We've gone through committee and I was able at the last minute to meet with Dr Winfield to discuss his report and to discuss recommendations. I was able to get the subcommittee of the Legislative Assembly committee to agree to allow him to come for a half-hour and speak to the committee and he, much more succinctly, told the committee what the problems were with this technical bill and made these recommendations. But as I said, the government refused to pass a few simple amendments that could have made all the difference here.

Here we are tonight, and what are we going to do? Is the government going to stick to its guns and pass this bill as is? You shouldn't do it. You really should not make that mistake tonight. I'm giving you the opportunity—I don't know where the House leader went. These amendments that I made in committee would resolve a lot of the issues we're talking about. I still don't support the direction we're going with this. What I would suggest we do, before passing this bill—

*Interjection.*

**Ms Churley:** I'm trying to help you. I'm trying to help you understand that you've got a problem here. It is time for government members to start listening to opposition, and particularly to experts outside of government who have some good advice to give you, particularly after Walkerton.

What I want to say to you tonight is that I have some amendments here that deal with some of the issues that



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Halton	Chudleigh, Ted (PC)		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga West / -Ouest	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles	Scarborough East / -Est	Gilchrist, Steve (PC)
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Minister of the Environment / ministre de l'Environnement
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	<b>Harris, Hon / L'hon Michael D.</b> (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister without Portfolio / ministre sans portefeuille	St Paul's	Bryant, Michael (L)
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stoney Creek	Clark, Brad (PC)
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas- Charlottenburgh	Cleary, John C. (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thornhill	Molinari, Tina R. (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay- Superior North / -Nord	Gravelle, Michael (L)
Oxford	<b>Hardeman, Hon / L'hon Ernie</b> (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parry Sound-Muskoka	<b>Eves, Hon / L'hon Ernie L.</b> (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	Stewart, R. Gary (PC)	Vaughan-King-Aurora	<b>Palladini, Hon / L'hon Al</b> (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Education / ministre de l'Éducation	Waterloo-Wellington	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Wentworth-Burlington	Vacant
Renfrew-Nipissing- Pembroke	Conway, Sean G. (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 14 June 2000

Mercredi 14 juin 2000

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers





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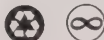
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 14 June 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 14 juin 2000

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### TENANT PROTECTION

**Mr David Caplan (Don Valley East):** This weekend, Saturday, June 17, marks a very ominous anniversary for Ontario's tenants. It was two years ago that the so-called Tenant Protection Act came into force in this province.

This act was brought in with much fanfare, but let me tell members of this House what it has really meant for Ontario's tenants:

Evictions are up by 15%, and according to a recent study of the Ontario Rental Housing Tribunal, it has turned into little more than an eviction machine for landlords. While eviction orders are being churned out by the dozen, however, tenant concerns are being sent to the back of the line. Tenants' rights have significantly eroded under the act, although Minister Clement refuses to acknowledge all of the evidence.

Vacancy rates are declining at an unprecedented rate and the availability of affordable rental accommodation is at an all-time low. One in four Ontario tenants are vulnerable to becoming homeless because they spend over half of their household income on rent, and existing tenants are virtually prisoners in their own home.

Former Minister Al Leach declared at the time that within two years of this act coming into force, there would be 10,000 new rental accommodation units created here in Ontario. Well, here we are, two years later, and only a handful have been created.

In typical Harris government fashion, Minister Clement has tried to blame developers, municipalities, even tenants themselves, for this government's and his own failings. When will the Harris government wake up and realize the horrific impact that their actions have had on tenants in Ontario?

I will be joining tenants from across Toronto this Saturday here on the lawns at Queen's Park to mourn the proclamation of this act. I hope that this rally and the many other petitions, protests, letters and phone calls that the minister receives will be a signal that this act requires some real and meaningful changes. After a disastrous two years, tenants deserve nothing less.

#### RCMP MUSICAL RIDE

**Mr Gerry Martiniuk (Cambridge):** I am pleased to inform the members of this House about a must-see event in the prosperous riding of Cambridge, North Dumfries and South Kitchener.

On August 13, 2000, Cambridge will proudly host the popular RCMP Musical Ride. This is a Canadian spectacle. I encourage my colleagues and friends to take time out and enjoy the festivities of music, demonstrations and entertainment.

I would personally like to acknowledge the committee and dedicated volunteers who have been working for over three years to present this great show to our community. This is all in celebration of the millennium. Leadership of this remarkable event is being provided by Chairperson John Housser, who was awarded the Cambridge Tourism Ambassador of the Year award, and Vice-Chair Paul Larocque, who received the Tourism Industry Booster of the Year award. Both individuals, and their committee, have created unique and memorable partnerships between corporations, government and the community.

The musical ride is being referred to as "A Coming Together Event." This is a perfect opportunity for children, family and friends to enjoy a safe and fun day while taking advantage of the many attractions and shopping facilities in Cambridge.

For tickets and more information to the RCMP Musical Ride, go to the Web site, [www.cambridge-tourism.com](http://www.cambridge-tourism.com).

#### HIGHWAY 69

**Mr Rick Bartolucci (Sudbury):** Today I'm renewing my call to four-lane Highway 69 from Sudbury to Parry Sound.

In 1996, 12,000 Sudburians filled out postcards that said, "Highway 69, worth the investment." To date, all they've received is lip service.

Last week I sent an open letter to the Minister of Northern Development and Mines demanding answers. To date, no response, but let's see what's happened over the course of the last three years: 1997, 1998 and 1999 saw 22 fatalities along that stretch of highway between Sudbury and Parry Sound—22 lives snuffed out because this government will not accept the responsibility that they have to ensure that my residents have a safe highway between Sudbury and Parry Sound.



How many more people have to die before this government understands it has a responsibility to the people in northern Ontario?

Let's look at the 40-mile stretch from Sudbury to Parry Sound. This year alone, there have been 26 accidents and 14 people injured. Broken bones, lives in ruin, incredible carnage—all because this government refuses to act. For safety reasons, for political reasons or for whatever other reasons, this government will not accept the responsibility.

Today, I demand on behalf of my constituents that you begin four-laning Highway 69 from Sudbury immediately.

#### JUNIOR FIRE DEPARTMENT PROGRAM

**Mr John O'Toole (Durham):** I'm pleased to rise today and advise the Legislature that the junior fire department program in my riding of Durham is well underway. Young people aged 11 to 12 from the municipality of Clarington get the opportunity to learn basic first aid, CPR, tying ropes and knots, proper fire extinguisher use and a number of other safety-related items.

Through the month of August, 20 new children will each receive, on a weekly basis, a fun, safety-oriented training program with valuable hands-on experience from the Clarington Fire Department. Each week wraps up with a skill-related competition, demonstrations for parents and, of course, graduation certificates.

I commend the program coordinators for their active involvement with the youth of our community, especially the program supervisor, Divisional Chief Gord Weir, as well as Fire Prevention Officer Randy Reinert.

The program is also supported by outside organizations such as Ontario Power Generation, Durham Regional Police Services, the fire investigator from the office of the fire marshal, the RCMP, Bowmanville ambulance services, and many citizens at large; for instance, the Darlington generating station.

I'd like to thank the organizers for providing the safety and learning demonstration for our youth in the community.

#### VISITOR

**Mr John O'Toole (Durham):** I'd also like to take this last couple of moments to welcome to the Legislature a very good friend of mine, Wayne Dawson from the Canadian Portland Cement Association, who's in the visitors' gallery today.

#### DEVELOPMENTALLY DISABLED

**Mr Ernie Parsons (Prince Edward-Hastings):** I rise today to talk about the underfunding of services for people with developmental disabilities. I'll be sending the Minister of Community and Social Services, very shortly, hundreds of postcards which confirm this fact. Each of this is signed and says the following:

"Citizens with physical and mental disabilities need care and support. That takes resources. Please act to improve our clients' quality of life.

"Serve more than their basic needs.

"Increase the staffing ratios.

"Make more services available to eliminate waiting lists.

"Address the evolving needs of clients.

"Deal with staff turnover and burnout.

"Staff and families" in this province "are stretched to the breaking point. The needs are real. Please act now."

Everyone recognizes that the developmental services sector is chronically underfunded and has been for years. The workers in the dozens of agencies that serve the mentally and physically disabled are deeply concerned that they can do little more than serve their clients' basic needs. The resources that are needed to do more just do not exist.

The government recently announced some additional funding for developmental services. This is only a start; much more needs to be done.

I would like to join my voice to the many others being raised in Ontario and ask that the minister provide the necessary funding to move developmental services beyond the basics. People with developmental disabilities may not in all cases be taxpayers but they are in all cases citizens. They deserve better.

1340

#### MUNICIPAL RESTRUCTURING

**Ms Shelley Martel (Nickel Belt):** It's been almost six months since the Harris government rammed through legislation to force restructuring in my community. At the time Bill 25 was introduced, the Minister of Municipal Affairs would not say who would pay the transition costs associated with this forced amalgamation. He told the Sudbury media, "The government is still deliberating on the best way to approach these costs." Six months later, apparently these deliberations still continue.

Compare this to the Harris government's approach to the city of Toronto amalgamation. On June 5, 1998, the former Minister of Municipal Affairs announced a \$100-million interest-free loan for the city for 1998, and another \$100-million interest-free loan would be provided if requested by Toronto in 1999. Further, a grant of \$50 million was provided to restructure transportation and communication costs. The city of Toronto will begin to repay this \$200-million loan this fiscal year.

Secondly, under section 27 of Bill 25, the regional municipality of Sudbury is forced to pick up all the costs associated with the transition team, including salaries, expenses, the hiring of experts and the fees to use any facilities. Compare that to the memorandum of understanding signed by the Harris government with the city of Toronto in August 1997. The Harris government agreed to pick up all the costs associated with the transition team and financial advisory group, and that cost in the end was \$3.8 million.

This is discrimination too. It's no different from the discrimination this government practises against northern cancer patients.

### CONNAUGHT STUDENT BIOTECHNOLOGY EXHIBITION

**Mrs Tina R. Molinari (Thornhill):** On May 10, St Elizabeth Catholic high school in Thornhill was declared the first-place winner in the Connaught Student Biotechnology Exhibition. The students who won the competition are Joy Lero, Rosanna Dolcetti, Bernadette Ilagan and Valerie Tam. These students, inspired and coached by Sydney Smith, their biology teacher, competed against 60 other projects which had been submitted for competition. This event is particularly significant because it centred around the discovery that genistein, a biochemical product of soybeans, can kill breast cancer cells.

The students realized that they were on to something several months ago when they read a graph that showed a correlation between soy consumption and decreased incidence of breast cancer. With the support and encouragement of Dr Evelyn Voura, a scientist with the world-renowned Ontario Cancer Institute, the students conducted their research at the institute after school and on weekends. The implications of this research and the combined efforts of these students, their teacher Sydney Smith and Dr Voura are particularly significant when one considers that according to the Canadian Breast Cancer Foundation, an estimated 5,500 women throughout Canada died from the disease in 1999.

It is my privilege to present Rosanna Dolcetti, Joy Lero, Bernadette Ilagan, Valerie Tam, their teacher Sydney Smith and Patrick Black, trustee for the York Catholic District School Board. I would ask you to join me in congratulating all of them for their outstanding achievement.

### EDUCATION ISSUES

**Mr Steve Peters (Elgin-Middlesex-London):** I'd like to take this opportunity to recognize the efforts of one of the Elgin county trustees to the Thames Valley District School Board, Cynthia Nurse. Out of a sense of total frustration with the Harris government and their refusal to hold meaningful consultation on Bill 74, Ms Nurse designed a Web site seeking input from the citizens of Ontario. The results have been overwhelming. Less than one half of 1% agree with your government's attack on teachers, the education system and democracy in this province. This seriously casts doubt on the numbers we have been hearing from the government side of the House.

One of the comments states: "Bill 74 is an insult.... I voted Tory ... I regret this and apologize to the teachers of Ontario for my mistake.... For the first time in my life, I'm ashamed to be a Conservative."

I'd also like to draw to the attention of the Legislature a letter sent to the Minister of Education last week by the

Thames Valley District School Board. In regards to Bill 74, the Thames Valley District School Board writes to the Minister of Education: "[T]he government has created an environment that will further demoralize the educators. This will not improve the quality of education. ...[T]he proposed legislation ... endangers the principles of democracy." In reference to forcing school board compliance they say it "suspends the rights of natural justice ... an affront to the democratic process."

It is incumbent on every member of this Legislature to heed these warning bells that are ringing across the province.

### VIOLENT CRIME

**Mr David Young (Willowdale):** Not long ago, I stood in this House and spoke about a very disturbing trend. The increase of crime across the province, and particularly violent crime, is of great concern to my constituents and undoubtedly to all the residents of this province.

At the time I last spoke about this issue, a 13-year-old boy had been shot in the head during a gun battle between two groups of youths. Fortunately, he survived. Only a week before that incident, a stray bullet passed through an empty crib during a gunfight in which 26—and I say it again, 26—rounds were fired indiscriminately. Two days ago, a stray bullet hit a six-year-old boy playing in a park in north Toronto. The tragic irony of this is that the park in question is dedicated to Breanna Davy, a three-year-old who was shot dead almost exactly one year ago.

This has to stop. While I am aware of the fact that criminal law is within the federal purview, within their jurisdiction, we as elected representatives within this Legislature must take action. I have with me today a petition that has been circulating throughout my riding over the past short while. I am inviting the other members of this Legislative Assembly to sign this petition to add their name to the plea we make to the Minister of Justice, the Honourable Anne McLellan, to amend the Criminal Code to ensure that there are meaningful penalties for those who use firearms in the commission of offences.

### ANNUAL REPORT, INFORMATION AND PRIVACY COMMISSIONER

**The Speaker (Hon Gary Carr):** I beg to inform the House that I have laid upon the table the 1999 annual report of the Information and Privacy Commissioner of Ontario.

### INDIVIDUAL MEMBERS' EXPENDITURES REPORT

**The Speaker (Hon Gary Carr):** I also beg to inform the House that I have today laid upon the table the individual members' expenditures for the fiscal year 1999-2000.



## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

**Ms Frances Lankin (Beaches-East York):** I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bills without amendment:

Bill Pr21, An Act to revive 1264030 Ontario Inc.

Bill Pr24, An Act respecting Huron University College.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

## INTRODUCTION OF BILLS

### HIGHWAY TRAFFIC AMENDMENT ACT, 2000

#### LOI DE 2000

#### MODIFIANT LE CODE DE LA ROUTE

Mr Turnbull moved first reading of the following bill:

Bill 91, An Act to require the mandatory reporting of severely damaged vehicles to counter motor vehicle fraud and theft / Projet de loi 91, Loi exigeant la déclaration obligatoire des véhicules gravement endommagés afin de lutter contre la fraude et le vol des véhicules automobiles.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement.

**Hon David Turnbull (Minister of Transportation):** I will be making a ministerial statement.

### CODE OF CONDUCT FOR THE PREMIER ACT, 2000

#### LOI DE 2000 SUR LE CODE DE CONDUITE POUR LE PREMIER MINISTRE

Mr Marchese moved first reading of the following bill:

Bill 92, An Act to establish a Code of Conduct for the Premier of Ontario with respect to the Legislative Assembly / Projet de loi 92, Loi visant à établir un code de conduite pour le premier ministre de l'Ontario à l'égard de l'Assemblée législative.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1350 to 1355.*

**The Speaker:** Would the members kindly take their seats.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

#### Ayes

Agostino, Dominic	Conway, Sean G.	Lalonde, Jean-Marc
Bartolucci, Rick	Cordiano, Joseph	Lankin, Frances
Bisson, Gilles	Crozier, Bruce	Levac, David
Bountrogianni, Marie	Curling, Alvin	Marchese, Rosario
Boyer, Claudette	Di Cocco, Caroline	Martel, Shelley
Bradley, James J.	Dombrowsky, Leona	Martin, Tony
Brown, Michael A.	Duncan, Dwight	Parsons, Ernie
Bryant, Michael	Gerretsen, John	Patten, Richard
Caplan, David	Gravelle, Michael	Peters, Steve
Christopherson, David	Hampton, Howard	Phillips, Gerry
Churley, Marilyn	Hoy, Pat	Pupatello, Sandra
Cleary, John C.	Kormos, Peter	Ramsay, David
Colle, Mike	Kwinter, Monte	Ruprecht, Tony

**The Speaker:** All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 39; the nays are 0.

**The Speaker:** I declare the motion carried.

The member for a short statement.

*Interjections.*

**Mr Rosario Marchese (Trinity-Spadina):** I didn't hear you, Speaker, there were so many people talking around me.

*Interjections.*

**Mr Marchese:** Please, don't you want to listen to the explanation? This bill would make Ontario's Premier subject to the same code of conduct that the Conservative government is demanding of students in Bill 81 and would curtail insults, personal attacks and damaging practices that are now routine with Mike Harris in the Legislature.

**The Speaker:** Introduction of bills?

**Mr Marchese:** On a point of order, Mr Speaker: I seek unanimous consent to go to second reading on this bill.

**The Speaker:** Is there unanimous consent? I heard a no.

### PRIVACY ENFORCEMENT AND ACCOUNTABILITY ACT (INFORMATION AND PRIVACY STATUTE LAW AMENDMENT), 2000

#### LOI DE 2000 SUR LE RESPECT DE LA VIE PRIVÉE ET SUR L'OBLIGATION DE RENDRE DES COMPTES À CET ÉGARD (MODIFICATION DE LOIS EN CE QUI CONCERNE L'ACCÈS À L'INFORMATION ET LA PROTECTION DE LA VIE PRIVÉE)

Mr Christopherson moved first reading of the following bill:

Bill 93, An Act to enhance privacy enforcement and accountability by amending the Freedom of Information

and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act with respect to the Commissioner's powers / Projet de loi 93, Loi visant à accroître le respect de la vie privée et l'obligation de rendre des comptes à cet égard en modifiant la Loi sur l'accès à l'information et la protection de la vie privée et la Loi sur l'accès à l'information municipale et la protection de la vie privée en ce qui concerne les pouvoirs du commissaire.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for Hamilton West for a short statement.

**Mr David Christopherson (Hamilton West):** The bill I've tabled today would give the powers to the privacy commissioner that she sought in her report, where she outlined the obstruction she received at the hands of this government while she searched the Province of Ontario Savings Office issue. You will know, Speaker, that you found a case of prima facie contempt in that regard.

The government claims they want to give the commissioner the powers. The commissioner is concerned that this review that's currently underway could take years and that we'll never really get back to the crucial issues, the really important issues that remain in that investigation. My bill would give the commissioner the powers she sought and would allow her to complete the investigation and get answers to the questions she raises in that very dramatic report she tabled with this House.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### VEHICLE BRANDING LEGISLATION

**Hon David Turnbull (Minister of Transportation):** Today I have introduced legislation that, if passed, will amend the Highway Traffic Act to improve customer protection against auto theft and vehicle fraud in Ontario.

Each year tens of thousands of vehicles are written off in Ontario by insurance companies. Many of these vehicles find their way back on to Ontario roads through black market operations.

Clearly, auto fraud and theft impact everyone, both in terms of road safety and higher insurance premiums. The amendments I'm introducing will require the reporting—or branding—of severely damaged vehicles. Branding involves putting vehicle status information on registration documents and other information products, including vehicle abstracts and used vehicle information packages.

Vehicles that are written off and branded as irreparable or salvage will not be licensed for Ontario roads. Vehicles that are damaged beyond repair will not be allowed to return to our roadways. Vehicles that can be rebuilt to their original structural integrity will only be allowed back on our roads after they meet prescribed requirements and are re-inspected. These measures are

built on the existing stolen and salvage vehicle program introduced in 1998 to deter automobile registration fraud and vehicle theft in this province.

The Ontario Crime Control Commission has indicated that mandatory branding is an effective tool against auto theft and fraud. There is also widespread commitment and support from the insurance industry under the existing voluntary program. All interested parties have told me that for this program to be truly effective in promoting road safety and consumer protection, it must be mandatory. In addition to the insurance industry, we have worked with many stakeholders, including the enforcement community, the collision repair industry, the vehicle sales industry and auto recyclers. All are highly supportive of this program.

I would also like to thank the members for Thunder Bay-Superior North and Timmins-James Bay for their support of this legislation. I hope we can work together on future initiatives that will further crack down on crime in our communities.

This legislation, if agreed upon by the Legislature, will allow further development of regulations that will give effect to this program. Our government has made a commitment to introduce tough measures that will tackle crime and build safer communities for our families. This is another positive initiative introduced by our government that supports law enforcement officials in their fight against crime. We are confident that the mandatory reporting of severely damaged vehicles will promote road user safety and provide greater protection for consumers in Ontario.

**Mr Michael Gravelle (Thunder Bay-Superior North):** I'm glad to have an opportunity to respond to the minister's statement. I must say off the top that the Liberal caucus supports this legislation. It's something we have been calling for for some time. Many of my colleagues have written the minister. There's quite a history with this particular issue. The mandatory branding of vehicles will make a real difference; there's no question about it.

If I may say in passing, though, it does seem rather strange that while the government is keen to follow through on this legislation which makes it mandatory to brand vehicles, they're not as keen to make mandatory the reporting of unsafe water in our province. One would think they would treat that as being as much of a priority.

This is a bill that was tried on a voluntary basis two years ago. It was perhaps well intentioned but it was destined not to work and did not work. The government introduced legislation similar to this back in April 1999, before the election was called, and I think knew full well it would not pass. One of our regrets is that this was not brought forward this past fall. There seemed to be no reason to have any further delay because it is something that needs to be done. We need to protect consumers and we certainly need to protect the used car dealers and others who were put in a bad position about this. Our caucus will support this. I just hope there's an oppor-



tunity to have a full debate before the Legislature rises before the session ends in June.

Having said all that, that we support it, I want to use this opportunity—it's so rare for the minister to get up and make a statement in the House, let alone bring forward stuff. There was some disappointment that he did not bring up some of the other issues that we consider pretty important, such as the sale of Highway 407, one of the greatest cash grabs in Canadian history, a real scam, one that has absolutely devastated drivers, across the GTA in particular, one that really is forcing motorists into 99 years of tolls, one that basically allows them to act as a Cadillac collection agency.

The issue is still a secret deal that this government will not reveal to the public. It would have been nice if the minister had stood up today and said he was going to release the details on the 407. In 1994 the minister himself spoke about the fact that it should be a public issue. That's one thing we're disappointed about, and we hope the minister will stand up and make the details of the 407 scam deal available to the people of this province.

Another issue that's really important is that driver's licence information, personal information, is being sold right now to 570 companies in this province, which we think the minister needs to deal with. The privacy commissioner, Ms Cavoukian, has made reference to it. This is banned in the United States and in many other provinces, and it's banned because it's dangerous. That is something the minister needs to do something about. There are certain circumstances under which it's necessary to have access to that information, but I'll tell you, Minister, when you've got 51 private investigation firms getting this information, we want to know how much revenue you're getting from that. We want you to really protect people. This is about public safety as well.

There are so many other issues that I wish I had more time. The condition of our roads in this province: 56% of our roads are in absolute disrepair. The auditor has told us that. What does this government do? They download thousands of kilometres to municipalities. They give them a little chunk of change and then say, "You look after them." It's unbelievable. They download it and then what do they do? They privatize all the road maintenance in this province; they privatized every bit of it. Not only is privatization going to cost taxpayers a lot more money in this province, it's costing lives. We know that. The auditor has told you that as well, sir. You should listen to this. The privatization of road maintenance is costing more money and it's costing lives.

**Mr James J. Bradley (St Catharines):** What about GO Transit?

**Mr Gravelle:** That's an issue I will try and get to, and that is the government's absolute lack of vision.

Let me make one more point. We are very concerned about the increase in truck traffic in this province. We are very concerned about the increase in hours of service that drivers are allowed to drive in this province. Negotiations are going on right now between your government and the

federal government. I'll tell you something: This needs to be done in public. One of the proposals on the table will allow drivers to drive a longer amount of time in a given day. Minister, I think you need to recognize we should have public consultations. I came up with that last week, and I hope you will.

Speaking to my colleague from St Catharines, there is the lack of vision. We have air pollution; we have congestion and gridlock in this province. We need public transit to be supported. What does this government do? They remove themselves and download public transit to the municipalities, which is a disgrace.

If you have any vision for the future at all, you'll recognize that we need to support public transit in this province. You're not doing that. It would be nice to have you recognize that municipalities cannot be left alone on this. If you really want the province to function as it should, bring back public transit supported by the province of Ontario. You can do it now. That's all I have to say.

*Applause.*

**Mr Bradley:** The Speaker is standing now.

**The Speaker (Hon Gary Carr):** That actually worked. The member for Timmins-James Bay.

1410

**Mr Gilles Bisson (Timmins-James Bay):** After that, I wonder what would happen if the minister really did come in with bad news. My Lord, that was quite the statement.

I don't want to take up five minutes and go into the litany of the issues of this government on transportation. Simply put, the government is coming forward with a piece of legislation that we're prepared to support. We think it is important as a protection for consumers. I think the minister covered it well in his statement, and what we're trying to do here is to take out of circulation those vehicles that are deemed irreparable to make sure that when people decide to do this on the side, rebuild cars and resell them, their cars don't end up in the hands of consumers, cars that quite frankly shouldn't be there. I see this as a safety issue. It's something that our caucus, the NDP, are prepared to support. We're prepared to give this quick passage.

However, I have to say something. I was prepared to stop at this point, but two things happened in this statement. One is that unfortunately the Minister of Transportation tried to tie this into a law-and-order issue. Talk about the wrong time to be doing such a thing. I just have to say, Minister—and I'm not going to go the whole five minutes—how can you try to tie this to law and order when you're the government that has now been in a position where we have less police on the beat than we had back in 1994? We have fewer cops out doing the work, patrolling our neighbourhoods, making our communities safer than there were prior to 1994. This government, to try to tie this to law and order, I think makes it a stretch.

Then I read with interest, as many members of the assembly did, when we looked at the discussion and

comments of Justice Day in regard to the Victims' Bill of Rights. They said that this government talked a good line when it came to giving victims' rights; passed legislation even in this Legislature. But it was toothless, said Justice Day; the bill did nothing, not one iota, to protect victims' rights, and he wondered what the government was all about. Again it's one of those issues where the government likes to talk one issue and speak a good line, but when it comes to delivering, they don't.

So we will support this legislation but, Minister, I warn you: Don't come into this Legislature trying to tie this in as law and order, because it ain't. It's a safety issue, and we shouldn't play with people's safety.

**Mr Peter Kormos (Niagara Centre):** I, with great anticipation, came into the Legislature this afternoon knowing the Minister of Transportation was going to make a statement. I was hopeful that it was going to be a comment on his predecessor's, Mr Clement's, promise that he made just slightly more than a year ago.

During the election campaign of 1999, Mr Clement came to Niagara, campaigning for a former Conservative member of the Legislature, and promised the people of Niagara that the 406 would be four-laned in anticipation of the extension southward into Port Colborne.

I'm hopeful that the member representing Port Colborne has enough clout with his cabinet colleagues to deliver on this commitment to the people of Port Colborne and the very southern tier of Niagara. I was hoping that this minister would have been advised of his predecessor's election promise. The promise wasn't successful in terms of achieving its goal, but a promise is a promise, Minister. A promise made should be kept, don't you think? You promised the four-laning and extension of the 406 down to my colleague Mr Hudak's riding. Mr Hudak may not want to speak out on behalf of it, but I'll take the opportunity to address the minister on behalf of not only the people of Niagara Centre but the people of Port Colborne and Wainfleet and Port Erie who want that 406 extension developed southbound.

Quite frankly, it's not necessary to do a whole lot of developmental work, because the highway, when it was built so many years ago, was designed to be a four-lane highway. Don't talk to us about studies and engineering reports. I'm confident, and I'll come over and help you look for them—we'll bring a video cam if we have to. I'm confident that the plans are already there. We could do it at 6 in the morning, 7 in the morning or 7 at night, at your pleasure.

I'm convinced, Minister, that the plans—

**Ms Shelley Martel (Nickel Belt):** Can I come? I would like to go with you.

**Mr Kormos:** Ms Martel wishes to accompany me. I'm confident that the plans are already there. It's a simple matter of you keeping the ministry's promise. Promises made, Minister, should be kept. Your predecessor promised an extension of the 406 and its four-laning. Keep the ministry's promise, Minister: Four-lane the 406 like you promised the people of Welland, Thorold, Port

Colborne, Wainfleet and any other number of ridings along the Lake Erie shore.

## DEFERRED VOTES

### SAFE SCHOOLS ACT, 2000 LOI DE 2000 SUR LA SÉCURITÉ DANS LES ÉCOLES

Deferred vote on the motion for third reading of Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act / Projet de loi 81, Loi visant à accroître le respect et le sens des responsabilités, à fixer des normes pour garantir la sécurité des conditions d'apprentissage et d'enseignement dans les écoles et à modifier la Loi sur la profession enseignante.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1415 to 1420.*

**The Speaker:** Mrs Ecker has moved third reading of Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act.

All those in favour of the motion by Mrs Ecker relating to school safety, please rise one at a time.

#### Ayes

Arnott, Ted	Hardeman, Ernie	Murdoch, Bill
Baird, John R.	Harris, Michael D.	Newman, Dan
Barrett, Toby	Hastings, John	O'Toole, John
Beaubien, Marcel	Hodgson, Chris	Palladini, Al
Chudleigh, Ted	Hudak, Tim	Runciman, Robert W.
Clark, Brad	Jackson, Cameron	Sampson, Rob
Clement, Tony	Johns, Helen	Snobelen, John
Coburn, Brian	Johnson, Bert	Spina, Joseph
Cunningham, Dianne	Kells, Morley	Sterling, Norman W.
DeFaria, Carl	Klees, Frank	Stockwell, Chris
Dunlop, Garfield	Marland, Margaret	Tascona, Joseph N.
Ecker, Janet	Martinuk, Gerry	Tsubouchi, David H.
Eves, Ernie L.	Maves, Bart	Turnbull, David
Flaherty, Jim	Mazzilli, Frank	Witmer, Elizabeth
Gill, Raminder	Molinari, Tina R.	Wood, Bob
Guzzo, Garry J.	Munro, Julia	Young, David

**The Speaker:** All those opposed?

#### Nays

Agostino, Dominic	Cordiano, Joseph	Lankin, Frances
Bartolucci, Rick	Crozier, Bruce	Levac, David
Bisson, Gilles	Curling, Alvin	Martel, Shelley
Bountrogianni, Marie	Di Cocco, Caroline	Martin, Tony
Boyer, Claudette	Dombrowsky, Leona	McGuinty, Dalton
Bradley, James J.	Duncan, Dwight	McLeod, Lyn
Brown, Michael A.	Gerretsen, John	Parsons, Ernie
Bryant, Michael	Gravelle, Michael	Patten, Richard
Caplan, David	Hampton, Howard	Peters, Steve
Christopherson, David	Hoy, Pat	Phillips, Gerry
Churley, Marilyn	Kennedy, Gerard	Pupatello, Sandra
Cleary, John C.	Kormos, Peter	Ramsay, David
Colle, Mike	Kwinter, Monte	Ruprecht, Tony
Conway, Sean G.	Lalonde, Jean-Marc	



**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 48; the nays are 41.

**The Speaker:** I declare the motion carried. Be it resolved that the bill do now pass and be entitled as in the motion.

#### VISITORS

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** On a point of order, Mr Speaker: I would like all of us to welcome a group of grade 8 students from l'école publique de la Rivière Castor d'Embrun who are here to visit us today at Queen's Park. Bienvenue à l'Assemblée législative.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: I'm pleased to announce the presence in the Legislature today, in the members' gallery, of Anna Hucajluk and Catherine Tirpko of St Catharines, accompanied by Hellen Markowski of Buffalo, the great-great-niece of the great Bulgarian socialist leader Dmitri Blagoeff.

**The Speaker (Hon Gary Carr):** Welcome from all the members.

#### ORAL QUESTIONS

##### WATER QUALITY

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. Today I want to know why it is that you've done so little to prevent another Walkerton-type tragedy. It has been several days now—in fact, nearly a month—since the outbreak of E coli in Walkerton's water. It has been 22 days since E coli claimed its first victim who lost her life. People across the province who work to protect our water know that you are doing nothing to prevent a recurrence of this kind of tragedy.

I have in my hands a copy of a water conservation report produced by the Kettle Creek Conservation Authority. I want to quote a passage from it: "As of June 2000, there is no comprehensive monitoring, evaluation, management or protection of either ground- or surface water quality in the province of Ontario." That is devastating indictment of your refusal to act after the Walkerton tragedy. Can you tell us today why you are still failing to act to protect our water?

**Hon Michael D. Harris (Premier):** I know the Minister of the Environment could outline many things that we've done and changes in procedures since Walkerton. I'll give him an opportunity to do so in just a second, but let me repeat some of the initiatives we've taken. Our immediate concern was Walkerton, the people of Walkerton. The response there from the people of Walkerton has been overwhelming. They're grateful for the response of the various ministries, including the Ministry of the Environment in particular. This has been relayed in

a number of forums, public and private, as well as with the mayor.

In addition, we announced a number of processes and inquiries to get to the bottom of what happened in Walkerton and how we could ensure that we prevent that from ever happening again. At the same time, the Ministry of the Environment announced, within a few days, a reaffirmation of the procedures that should have been followed. The ministry insisted they must be followed to prevent this kind of situation in the future. That was within a matter of days. At the same time, the minister and the ministry are responding to thousands of FOI requests, doing the estimates. So it's been a very busy ministry.

**Mr McGuinty:** The only thing that you have done since Walkerton that has been of any value to Ontario is the result of us dragging you into those things kicking and screaming. We dragged you kicking and screaming into a public inquiry. We dragged you kicking and screaming into providing reasonable compensation for the people of Walkerton. We dragged you kicking and screaming into producing whistle-blower legislation. Those things came from this side of the House; they didn't come from that side of the House. There has been a complete dearth of leadership when it comes to a response to the Walkerton tragedy.

Let's come back to the same said report. It goes on to say that when it comes to responsibility and accountability for water in Ontario, these matters were either eliminated or transferred to the local municipal level. In particular, it says the following, "Provincial leadership in assisting municipalities to coordinate and implement their new responsibilities has yet to materialize." This conservation authority is saying what we've been saying, it's saying what the people of Ontario have been saying: You are not demonstrating any leadership when it comes to making sure that Walkerton-type tragedies don't recur in Ontario. Again, Premier, why are you not demonstrating any leadership on this issue?

**Hon Mr Harris:** I appreciate the member reminding us of the pats on the back for the marvellous role he's played in being constructive and positive in this whole affair. Let me say that on May 25 I offered immediate assistance to the town of Walkerton. The Ontario Clean Water Agency was sent to Walkerton to ensure the water supply was made safe as soon as possible. On May 31, the Attorney General announced a commission of inquiry under the Public Inquiries Act. Mr Dennis O'Connor of the Ontario Court of Appeal was appointed as commissioner on June 9. On June 2, we announced our initial seed money of \$100,000 for the Brockton Response Centre, which got them through the first week, the initial week, as it was intended to do. On June 6, Minister of Education Janet Ecker announced \$300,000 in special funding to ensure that students could continue their school year in a number of other areas. On June 8, the government announced an immediate aid package for the residents of Walkerton and there was a standing ovation for the ministers who were there by the 200 or 300

residents, who appreciated the response. On June 12, Minister Flaherty introduced amendments to the Public Inquiries Act to ensure that the whistle-blowing-type protection called for by the member, and let me congratulate you for being on the same—

**The Speaker (Hon Gary Carr):** Order. I'm afraid the Premier's time is up.

1430

**Mr McGuinty:** Premier, you are continuing to gamble that this won't happen again. If you are sincerely committed to ensuring that you draw whatever lessons you can from the terrible mistakes you made in the past, then you will immediately hire, on a permanent basis, 100 inspectors and enforcement officers over at the Ministry of the Environment.

This morning we were amazed to learn that you are not considering hiring those inspectors. You said, "I don't think it makes sense to staff up for that bulge on a permanent basis." Is that what you think this is, some kind of a blip, some kind of a bulge? This is a permanent crisis, created by things you did, that calls for a permanent solution. Premier, will agree to hire, on a permanent basis, those 100 inspectors?

**Hon Mr Harris:** I appreciate that already the leader of the Liberal Party knows more than Justice O'Connor, more than the reviews we've initiated, more than the coroner, more than others. The fact of the matter is that we do not know yet whether 100, 500 or 1,000 new employees need to be added. We don't know whether it's for a short period of time, a medium period of time or a long period of time.

What I can tell you is that the Minister of the Environment has carte blanche to hire who, and however many people, he needs to ensure and protect the integrity of the water for all residents of this province. There can be no more far-reaching response than that from a government that is dealing with having to do estimates, dealing with FOI requests, dealing with a number of other—

*Interjections.*

**The Speaker:** Order. Sorry to interrupt, Premier. The Premier will take his seat. I can't hear that. We'll just wait until people stop shouting. Yesterday we got to the Liberal question way down the list. More questions get on, but if you're yelling, we'll just stand here.

Sorry for the interruption. Premier.

**Hon Mr Harris:** There are a number of areas that are being looked at both in the short-term, the medium-term and the long-term, as they should be. I think it's a little presumptuous for the member to prejudge precisely how many, if any, are required to meet all of these requests. This is a matter that we are all taking a look at, that we are all treating very seriously.

As you know, immediately following Walkerton we reconfirmed the procedures that were to be followed, which I'm sure will be a matter of investigation. We're very confident that we not only have in this province the safest water in North America, but that we will continue to have in the future. If there's more we can do to give

those assurances, by golly, we're going to get in there and do it.

#### MINISTRY OF THE ENVIRONMENT

**Mr Dalton McGuinty (Leader of the Opposition):** Back to the Premier: It's funny, you know, that the Premier had complete conviction and certainty and no doubt whatsoever when he decided to let 900 staff go. Apparently that was the number. I don't know, Premier, if 100 will do the job but I can say that when it comes to the safety of Ontario drinking water, I'd rather err on the side of caution; I'd rather do the hiring. If the commission concludes it's too many at a later date, then we can deal with that, but at the present time surely what we should do in the public interest is make that higher.

Do you know what else we know, Premier? Not only did you let 900 staff people go, but you cut the number of inspections by two thirds. There was a time in Ontario when we had our inspections once a year. Now it's happening once every three years. I don't know for certain, but I have a feeling that if we were to ask the people of Ontario today, they would say they want their water to be checked by the provincial government regularly and frequently and without fail. They expect that our provincial government will keep its hand in water safety in Ontario. So I ask you, Premier, on behalf of all Ontarians, to rise to the occasion, exercise leadership and commit to hiring 100 inspectors on a permanent basis.

**Hon Michael D. Harris (Premier):** I think we've heard loud and clear from the public that they would like their water tested and checked and inspected regularly and frequently and without fail. If more people are required, we will hire whatever it takes to do just that.

**Mr McGuinty:** Premier, this is as good an opportunity as any to get you on the record when it comes to this issue. Are you maintaining now that your cuts to the Ministry of the Environment—40% of the funding, one third of the staff—together with the changes in procedures and policies contributed in no way whatsoever to the Walkerton tragedy? I want to know that answer.

**Hon Mr Harris:** I know the member opposite and other members have been quick to lay blame and assess blame and point fingers. I have made it very clear in any of those responses that I didn't believe that today, or the day I was asked, was the day to lay or assess any blame. There is a factual record of information that's there of what happened and when. That is the reason why we have a full commission of inquiry and why we will have a coroner's inquest to answer those very questions. They're all on the table. Everything is there to be looked at that should be there.

I repeat again, I have assessed or blamed no one today, and I have made that very clear on numerous occasions. Others have interpreted it in other ways. The member who has pointed the most fingers shakes his head. That's the Leader of the Opposition, the member who has all the answers, right down to the actual number of employees who should be hired. I tell you, would that leadership



were quite that easy. You may think it is, in opposition, but I tell you, it is not quite that easy in practice.

**Mr McGuinty:** Now we have it. It is now out in the open for the first time. The reason that this Premier is failing to take and show leadership on this issue in terms of making sure that Walkerton doesn't recur in any other community in Ontario is because he's refusing to admit that, to whatever minimal degree possible, his government and his policies contributed to Walkerton.

The Ministry of the Environment produced its own memos warning us about this. The Provincial Auditor warned about these cuts. The Environmental Commissioner warned about these cuts. A variety of environmental groups warned about these cuts. These cuts and what you did, Premier, when taken all together, constitute a road map that took us directly to Walkerton. That's what they tell us. We're never going to resolve this, we're never going to get to the bottom of this, to use your language, until you admit some responsibility.

Premier, tell us again. Tell us that your cuts, your reductions in funding, the fact that you let so many staff members go, the changes to your procedures and policies when it comes to reporting and testing in Ontario, had nothing whatsoever to do with what happened in Walkerton.

**Hon Mr Harris:** Let me repeat that rather than assess blame and point fingers, we have put independent inquiries in place to do just that. I know that's what you want to do but we are not here to play that game. We thought it was far more important to immediately—and we have made no denials. We've said, "Let's have a full inquiry to look at it." I know in opposition you have the luxury to blame anybody and everybody every day of the week. We, rather, felt that how we help the people of Walkerton was more important. How do we immediately get up there and meet with them? How do we respond to their needs? How do we give assurances to the people of Walkerton and, indeed, once we've dealt with their crisis and their emergency and their tragedy, how then do we give assurances to the rest of the people of the province? We have put our action and our efforts into that, at the same time as you have put your efforts into blaming.

1440

#### PRIVATIZATION OF PUBLIC SERVICES

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. Yesterday, when I questioned your Minister of the Environment in the estimates committee about protecting the quality of drinking water for Ontario citizens, he looked like he'd been hit by a truck. Surprisingly, incredibly, he admitted he had not been consulted or briefed on your government's proposal to force municipalities to privatize their waterworks. He did admit that he thought any such proposal should wait until after the Walkerton inquiry, but your Minister of Municipal Affairs says it's full speed ahead as if the Walkerton inquiry doesn't matter. He says: "Oh, no, we're going

to do this. The Walkerton inquiry, that's not really relevant."

Premier, will you give the people of Ontario some peace of mind? Will you categorically, here and now, deep-six your government's proposal to force the municipalities to sell off their drinking water delivery systems?

**Hon Michael D. Harris (Premier):** No such policy exists, so there's nothing to deep-six. It is not the intention of this government and never has been. There's no proposal before us to force municipalities to do anything—in fact just the opposite. What has been under discussion, I understand, in municipal affairs are concerns that municipalities may look at privatizing some services, like police or fire, which we have I think ruled out completely, or like garbage, as a number of municipalities have done, or water or sewer, which they're free to do now.

They were free to do it under your government and there are no restrictions on municipalities doing it. They did that under your government and some have privatized some of those services under our government. The exact opposite is what the Ministry of Municipal Affairs is looking at: Should we put a freeze on that, or under what conditions ought municipalities to be allowed to exit from a business and have the private sector or another agency do it? That is under consideration. I'm sure it'll have your support.

**Mr Hampton:** Premier, you need to talk to your Minister of Municipal Affairs because his answer yesterday, here and outside, was very clear and unequivocal, that as far as he's concerned, your proposal to force municipalities to sell off their water and sewer systems is going full speed ahead, regardless of what the Walkerton inquiry finds. Don't you find a contradiction here? Don't you find a bit of a contradiction if the Walkerton report finds that your privatization of water services already, your reductions in the amount of work and staff to protect water supplies, are connected to what happened at Walkerton?

Your proposal as put forward by the Minister of Municipal Affairs amounts to complete contempt for the inquiry and contempt for people in Walkerton. Don't you see that, Premier? You can't be saying to the people of Walkerton and the people of Ontario that you want to get to the bottom of this, and then at the same time be saying, "Oh, but notwithstanding Walkerton, we're going to push ahead with more privatization." There is a contradiction and you owe it to the people of Ontario to tell them the government's true agenda. Are you interested in getting to the bottom of this or are you going to force on municipalities more of the conditions which put their drinking water at risk? Which is it?

**Hon Mr Harris:** We've been very clear that any actions we're taking are to ensure safe drinking water for all residents of this province. The only contradiction is the stuff you seem to be making up. You're asking me about a proposal that you made up that nobody is considering. Yes, I'm opposed to your proposal that nobody is considering. It's not our proposal; you're the only one

who has talked about it. I do know, and I repeat as I said in response to your first question, that municipalities privatized a number of services under your government. They were free to do so; they were their services. They have also done so under our government.

I am not aware of a single municipality that wishes to privatize its water system, but they could do it today. We are looking at under what conditions municipalities ought to be allowed to privatize any of these services that they've traditionally performed in the public sector under their own care. I think you would want to support that. I'm sure you would want to support that. I don't know why you make up this other silly stuff.

**Mr Hampton:** It is quite incredible. When reports or studies emerge from your government which put into question your government's direction or agenda, suddenly the whole government, from the Premier down, says: "I didn't see that. I didn't know about it." That's exactly the line that the Minister of the Environment tried: "I don't know a thing about this."

Premier, what we're talking about here is a cabinet document that says you are going to set up a review process which will not only have the effect of forcing municipalities to sell off their water systems, but also would have the effect of forcing municipalities to lay off the very people who are there to protect the water; in other words, to duplicate what you've already done in the Ministry of the Environment.

Premier, in the context of the Walkerton inquiry, which is supposed to look at all of these issues and see what were the factors that led to the death of seven people and possibly 11 people and the illness of 2,000 people, that's one of the very things they're going to look at. Don't show contempt for that inquiry, and show some respect for the people across Ontario, Premier. Tell them that you're not going to proceed with this proposal, you're not going to put in motion this proposal in any way, while the Walkerton inquiry is being held. That's all I'm asking, Premier.

**Hon Mr Harris:** Given that it's your proposal, we won't proceed with it.

## WATER QUALITY

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of the Environment. Minister, yesterday at estimates committee, your total failure to answer most of the questions that were put forward was really quite incredible. So I want to ask you a question today. I know your deputy minister isn't here to help you, but I hope you can answer this question on your own.

Ever since Walkerton, people across Ontario have been worried about the quality of their drinking water. So my simple question is this: How many Ontario communities today are having to boil their drinking water? Can you answer that simple question, Minister?

**Hon Dan Newman (Minister of the Environment):** First off, with respect to the estimates committee yesterday, I think everyone ought to be aware that the leader of

the third party asked a very technical question. I offered one of my assistant deputy ministers to answer that very technical question for him. You know what? He refused. He wouldn't listen to what the assistant deputy minister had to say.

## Interjections.

**Hon Mr Newman:** It's all a game. There he is, asking a question, but he doesn't want the answers. It was unbelievable, when an assistant deputy minister came to the table to offer the answers of a very technical nature and the leader of the third party refused to listen to that assistant deputy minister.

**Mr Hampton:** The minister has just illustrated why I asked that very simple question. Here is the minister who is supposed to be protecting the quality of Ontario citizens' drinking water, and he can't even answer that simple question.

What is more unbelievable, Minister, is that essentially I've asked you the same or a similar question on May 29, May 31, June 1, June 5 and June 7, and you still don't know. That is the sad state of your ministry and the sad state of yourself as Minister of the Environment.

I want to come back to your drinking water surveillance program. It only checks 28% of Ontario's 627 local water systems. Some 452 municipal water systems are ignored by your government. Isn't the reason you keep refusing to answer these very basic questions that every Ontario citizen has a right to know because you simply don't have the program, you don't have the staff, and what's more, you don't have the will to protect people's drinking water?

**Hon Mr Newman:** Nothing could be further from the truth, what the leader of the third party is saying. He talks about the drinking water surveillance program. There have been media reports that that was cancelled. That is wrong. We've actually added more facilities to the drinking water surveillance program. In fact, an additional 10 facilities each and every year are added to that program to monitor testing.

**Mr Hampton:** On a point of order, Mr Speaker: Minister, just release the information today.

**The Speaker (Hon Gary Carr):** That is not a point of order.

1450

## MINISTRY OF THE ENVIRONMENT

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. Walkerton has happened. Seven people have lost their lives—at least seven people—as a result of E coli in that water system. They're telling us that as many as 2,000 people were buckled over and in intense pain when they fell prey to the E coli illness. An entire community was devastated. Now people right across the province of Ontario are wondering whether or not you are doing everything you should be doing to make sure it doesn't happen to them and their families in their communities.



You cut the ministry budget by 40%. You let one third of the staff go. Do you not agree that in the circumstances, to provide some reassurance to the people of Ontario and to those many parents out there concerned about the state of their drinking water, it is the right thing to do today to announce that you're going to hire at least 100 inspectors and enforcement officers who will be on the job around the clock, seven days a week, 365 days a year, on a permanent basis, from here on in, to make sure this never, ever happens again?

**Hon Michael D. Harris (Premier):** We have taken actions to make sure this never, ever happens again. If any of the reviews, including the internal review, indicates a need for more staff, as I indicated, the ministry has been given carte blanche to hire that staff.

**Mr McGuinty:** Premier, you continue to be wilfully blind to what happened inside your own ministry. You continue to turn a deaf ear to the many warnings that have been issued. You haven't paid any attention to those kinds of things. What that does is demonstrate your refusal to take at least some minimal responsibility when it comes to making sure this doesn't happen again.

Let's leave Walkerton behind for the time being. Let's leave that to the inquiry for the time being. What about the future? Don't you feel some sense of responsibility to do what's necessary to make sure that Ontario's drinking water is safe in every community? Doesn't that dictate that in the circumstances, given the cuts that have been made to your own ministry by you, we rehire on a permanent basis at least 100 inspectors and enforcement officers? If I'm wrong, then why don't you tell the people of Ontario why it is you think I'm wrong and why I shouldn't be so worried about their safety when it comes to their drinking water?

**Hon Mr Harris:** No one has said you're right; no one has said you're wrong. I'm a little surprised that in the short period of time you always have all the answers, more so than Justice O'Connor, more so than the coroner, more so than all the experts.

We have, as I've articulated, taken a number of actions right away and immediately. Those actions and directives have, I think, been supported by all who are involved. Instead of wild accusations, and quite frankly some silly nonsense, what we have been doing is putting in place plans for the short, the medium and the long term. We have not refused to accept responsibility. We have accepted carte blanche, as Premier of the province I have accepted carte blanche, that if there is anything that has been amiss or is amiss, or any concerns about the future, our job is to find that out and go and fix it.

## POVERTY

**Mrs Julia Munro (York North):** My question is for the Minister of Community and Social Services. I understand that tomorrow John Clarke from the Ontario Coalition Against Poverty will be protesting outside the Legislature. This group is protesting in order to bring the issues of the poor to the attention of the government. It

seems that one of Mr Clarke's issues, among many, is that he wants to reinstate the 21.6% cut to welfare rates. His group on numerous occasions has shown that it is willing to enter into a physical confrontation with police to make its views known. Is this necessary? Can you not tell us today what our government has done to help the poor in this province?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** Trying to restore hope and opportunity in this province has been the top priority of this government. We've made job creation and economic growth a real priority. In fact, our welfare rates in Ontario continue to be as much as 36% higher than the average of the other nine provinces.

Where do we look to find validation for that policy? We look to Dalton McGuinty and the Ontario Liberals. He put out a press release last year. It says: "I fear I may have left the impression that it was my intent to fully restore the 22% welfare cut to all recipients. That is not my intention," said Dalton McGuinty. He obviously accepts the view of this government and the size of up to 36% higher than the average of the nine provinces. He didn't promise in his campaign document to spend a dime more.

We're doing a whole lot to help the poor, whether it's to increase funding for the child care supplement for working families, more money to help single parents get to parenting schools and training schools, more money for breakfast nutrition programs—

**The Speaker (Hon Gary Carr):** The minister's time is up. Supplementary.

**Mrs Munro:** The reality is that John Clarke and the Ontario Coalition Against Poverty are also coming to the Legislature tomorrow to bring attention to the plight of the homeless. They believe the government is not doing enough to help. Mr Clarke feels so strongly about this that he has asked to personally address the Legislature on this topic in order that his views be heard. I don't believe anyone in this Legislature disagrees that homelessness is an important issue that needs to be a priority of everyone in this chamber. Minister, can you tell Mr Clarke today what you are doing for the homeless in this province?

**Hon Mr Baird:** Like Mr Clarke, and indeed many people right across the province of Ontario—

*Interjection.*

**The Speaker:** Member for Hamilton East, come to order, please. Sorry, Minister.

**Hon Mr Baird:** Like all Ontarians, we're tremendously concerned about the plight of the homeless in this province. Building on the more than \$2 billion a year that we spend to help those who are homeless or at risk of becoming homeless, we're spending \$10 million with our provincial homelessness initiatives fund, providing funds to every municipality across Ontario to help them combat homelessness. We're providing \$66 million a year to help municipalities pay for emergency shelters, increasing money for the community start-up benefit, providing more money to help divert ex-offenders from the hostel

system, and providing more money for municipalities through the community partners program. The Ministry of Health is providing as much as \$45 million in new money for additional mental health supports.

And finally, now, when the federal Liberal caucus in Ontario, all 101 of them, were missing in action, we have an MP and a minister from New Brunswick actually coming to the table with some money six months after she announced it. We're looking forward to getting that federal money flowing because of the total inaction by the Liberal caucus from Ontario.

#### MINISTRY OF THE ENVIRONMENT

**Mr James J. Bradley (St Catharines):** Back to a subject that people of Ontario are talking about that's extremely important. This question is to the Minister of the Environment. I've heard about this so-called inspection blitz of water treatment plants in the province that you're going to undertake. I hope this isn't just a public relations exercise, because I don't think your ministry officials have told you what's involved in inspecting each one of these plants.

The people who are actually going to do this: What are their specific qualifications? What is their specific experience? What is their expertise? Do they have certificates to be able to do this? Do you recognize that it takes probably at least a week to do a thorough physical and paper inspection of the plants in Ontario? How on earth are you going to do this? Where are you going to get the staff? Are they going to have the proper qualifications to do the job?

**Hon Dan Newman (Minister of the Environment):** On May 29, I announced a proposed regulation that looked at four issues: One of them was the notification requirements for labs in the province; another requirement was for municipalities to inform the Ministry of the Environment that they intended to change the laboratory that was doing the work for them; another point included in that was that all labs must be accredited; it also included a review of the certificates of approval, which includes looking at and inspecting all of the 630 sites in our province. This inspection will be done by the end of this year and it will be done by qualified personnel.

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**Mr Bradley:** That is absolutely no answer to the question. My concern is who the specific people are, what kind of certificates they have to be able to do this job, what expertise they have, what experience they have, where on earth you're going to get them now that you've fired most of the people out the door of the Ministry of the Environment and broken up the dedicated teams. And you know how long it takes to do and what's required in these inspections.

If you're taking them from the Ministry of the Environment, what important jobs are you taking them away from? How are you leaving the people of this province vulnerable in other areas? They're finding barrels of volatile compounds in downtown St Catharines at this

time. They're boiling water or refusing to use the water in French River. They're boiling water in other places. Sewage treatment plants need inspections to ensure they're not spewing forth contaminants. Where on earth are you going to get the staff, and if you get them from the Ministry of the Environment, what other areas are you leaving vulnerable to risk in this province?

**Hon Mr Newman:** I did answer the member's question. I indicated to him that all inspections would be done by qualified staff, that each and every one of the 630 facilities in Ontario would indeed be inspected, along with the certificates of approval for those sites. They will be inspected. It will be done by the end of this year—630 sites throughout the province. This is a goal that the Ministry of the Environment will achieve.

#### ECONOMIC DEVELOPMENT

**Mr John O'Toole (Durham):** My question is to the Minister of Northern Development and Mines. Much of my riding of Durham, as you might know, is similar to parts of northern Ontario; there are those who might think it is part of northern Ontario. We face many unique challenges: the great distances between people, distances to travel, lack of public transit, sparse population, climate control. These all affect economic development and the delivery of service. Minister, can you explain to the Legislature and to the people of Ontario what initiatives your ministry is undertaking to help create a level playing field in small-town and northern Ontario communities to spur economic development?

**Hon Tim Hudak (Minister of Northern Development and Mines):** I thank the member for his question. A number of opportunities for northern communities were made in the budget: a record highway investment program of \$850 million in the next four years; record tax cuts for business, particularly for the mining sector, to spur that; as well, we have the northern Ontario heritage fund.

One particular program in the heritage fund that I like to boast about is our capital assistance for small communities program, targeted at the small communities in northern Ontario that often face greater challenges because of distances and small populations. That program invests about \$27 million into various projects to renew and enhance local services and infrastructure in 275 small communities throughout northern Ontario.

By investing in infrastructure in small towns, we are helping these communities to grow and prosper in the years and decades ahead. Our funding has helped to improve community infrastructure, create jobs and boost the northern economy.

**Mr O'Toole:** Thank you very much for that response, Minister. I know you and the Minister of Agriculture have gone out of your way to help address and rebuild small-town Ontario.

As you know, I've had the privilege of travelling most of Ontario as part of the Legislative Assembly process. One comment that I've heard—and I'm sure you have



too—is that many small parts of northern Ontario have not experienced the economic boom to the extent that southern Ontario has. I recall that in the budget, as I said, both you and the Minister of Agriculture have announced that there would be funding for renewing parts of small-town Ontario. Could you explain what the heritage fund will do to help small-town and northern Ontario reach their full economic potential?

**Hon Mr Hudak:** The member makes a very good point. The unemployment rates are dropping in northern Ontario. In the northwest they have dropped from 9.4% down to 6.7%, and in the northeast from 11.6% down to 9.9%. Progress is being made to create jobs in northern Ontario and better opportunities, but there is more work to be done. That's why we'll continue to cut taxes, to invest in northern Ontario highways.

In particular, I was very pleased that in the year 2000 budget on May 2, not only did we renew the heritage fund, not only are we expanding the heritage fund, but we are doubling the heritage fund to \$60 million per year, doubling the kind of investment we're making in small-town northern Ontario communities.

In the next few months, the heritage fund will be reviewing its programs and guidelines to build upon its most successful programs, like the small communities initiative I mentioned to the member earlier on, and will look to new areas of investment. Our government's demonstrated commitment to northern Ontario communities will continue well into the future.

#### RETIREMENT HOMES

**Ms Frances Lankin (Beaches-East York):** My question is to the Minister of Health. The tragedy in Walkerton has made the importance of frequent inspections and ongoing monitoring to protect public health and safety all the more clear. I want to remind you of another area where you've failed Ontarians.

Last October I raised in this House—and sent you a letter with proposals to address—the crisis of unregulated retirement homes. You did nothing to respond to those proposals. After a series of Toronto Star articles detailing horror stories of vulnerable seniors experiencing abuse and neglect, in the absence of provincial action the city of Toronto took interim measures in areas of their jurisdiction like public health, fire code and building code.

This week I learned that the city of Toronto's retirement home inspection program is going to be cancelled at the end of this month unless they get a cheque from you, the Ministry of Health. The hotline will be cancelled; the inspectors will be laid off. We've seen what happens when public health gets short shrift under your government. Minister, will you provide public health units with the resources they need in order to maintain inspection of private retirement homes?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** I think the member is well aware of the fact that the Minister of Citizenship, Culture and Recreation has been addressing this issue. I would refer it.

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** I'd like to thank the member opposite for the question. Let me say that we have been working with a number of different organizations to talk about what we can do with rest and retirement homes in the province of Ontario. Let me be very clear today that there is a municipal responsibility associated with rest and retirement homes; that the city of Toronto, through a number of its earlier municipalities, has bylaws that are there to protect seniors in the retirement homes; and that we continue to work with municipalities as they implement new bylaws to ensure that the people in retirement homes in their communities are safe.

**Ms Lankin:** Minister of Health, these additional resources that have been put into inspection of rest and retirement homes will end at the end of this month unless you give them a cheque. Not only must you provide the resources, you must put in place standards-of-care regulations. We're talking about people—medically frail, medically compromised seniors who need care—who, because of lack of other options, are being forced into inadequate care.

You send out a parliamentary assistant on a tour with backroom, closed-door, by-invitation-only so-called consultations. Now we hear from top health officials that she's not even going to issue a report. She's only passing on a recommendation to the minister and that recommendation is for self-regulation of the industry. You are going to abandon frail seniors to self-regulation by an industry whose track record screams out for the government to step in and protect seniors. Minister, have you learned nothing from the tragedy at Walkerton? Where is the report? Why is it being buried? Will you assure us that you will do your job and not hand this over to an industry that is not capable of protecting the interests of those frail and vulnerable seniors?

**Hon Mrs Johns:** I find it somewhat amazing that the member opposite would talk about this government in that regard. Let me say that this government has moved forward with an elder abuse strategy; they've moved forward to ensure that seniors are safe in their communities. We continue to work at many different initiatives. We've made more long-term-care facility beds available to the seniors in this province. We continue to work on a number of different initiatives to make sure that seniors are safe. Let me say that we will continue to work with the municipalities to make sure that seniors in every municipality across this province are safe.

#### SAFETY-KLEEN SITE

**Ms Caroline Di Cocco (Sarnia-Lambton):** My question is to the Minister of the Environment. The Safety-Kleen landfill and incinerator is the largest toxic waste site in Canada, and your government approved its expansion in 1997 with no public hearings under either the Environmental Protection Act or the Environmental Assessment Act to fast-track the process. This 300-acre

site sits on an aquifer with close proximity to the Great Lakes. The experts are expressing doubts about the clay liner that's protecting the groundwater and they think it could be leaking from contaminants.

Hazardous waste is still being dumped within 15 metres of these cracks. To add to this problem, Safety-Kleen has applied for bankruptcy. You, as the minister of the crown, have direct responsibility to ensure that our groundwater is not being contaminated. Minister, this is serious. Will you act and put a full-time inspector on that site and a geotechnical engineer to oversee the repairs on this site?

**Hon Dan Newman (Minister of the Environment):** I want to assure the people who live near this landfill site that we will take any action that is needed to handle this situation and to safeguard their health and their environment.

In addition to formal inspections by ministry staff, we're also inspecting the site on a regular basis to respond to complaints or to evaluate changes in the operations at the Safety-Kleen site.

Recent comments in regard to the adequacy of the ministry monitoring at the site overlooked the fact that the company already employs inspection personnel, consultants and geo-site professionals to monitor site operations and to report their findings to the ministry.

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**Ms Di Cocco:** Minister, with all due respect, I'd like to tell you that the Taro landfill in Stoney Creek has a full-time inspector and it is not even a toxic hazardous landfill. Not only that, this is the second-largest in North America, and Minister, you are accountable if we have contamination of our groundwater in Moore township.

The previous ministers and you have ignored your responsibilities. You consistently appear to protect the interests of Safety-Kleen at the expense of our groundwater and the people of Sarnia-Lambton.

You can act now, Minister, and just put an inspector on the site, a full-time inspector, and a geotechnical engineer. That is your responsibility, sir.

**Hon Mr Newman:** My responsibility as Minister of the Environment is to protect the environment. That's what I'm doing. Ministry staff are required to conduct formal inspections of hazardous waste disposal sites a minimum of once per year. Typically with this site, the staff conducts inspections on a semi-annual basis. There's groundwater monitoring, and that's audited by the ministry staff on an annual basis.

In addition to these formal inspections, there are also regular inspections conducted based on such factors as environmental concerns, other potential non-compliance issues and whether or not there have been recent changes to the site operations.

#### AIRLINE INDUSTRY

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** My question is for the Minister of Consumer and Commercial Relations.

Minister, earlier this year you told this House about a report that you had sent to the Honourable David Collenette, federal Minister of Transportation, which was entitled Improving Quality Service Standards for Airline Passengers. From what I recall, the report included several practical, voluntary solutions to improve the quality of flying experiences for passengers.

Minister, could you please inform this House what Minister Collenette's response to the report was?

**Hon Robert W. Runciman (Minister of Consumer and Commercial Relations):** I want to thank the member for Barrie-Simcoe-Bradford for raising an issue that is of utmost importance to air travellers in this country.

I wish I was able to update the member on Minister Collenette's response to the report. The problem is that I'm still waiting to hear from the minister myself, 12 weeks after I sent him the report. I've had staff from—

*Interjections.*

**The Speaker (Hon Gary Carr):** Minister take his seat.

*Interjections.*

**The Speaker:** Sorry for the interruption, Minister.

**Hon Mr Runciman:** I've had staff from my office contact Mr Collenette's office asking when we will receive some sort of response to our recommendations, and even they didn't know when we would get an answer.

Fifteen key travel industry players representing thousands of Ontario travellers took the time to sit down with me to draft suggestions for some real change in the airline industry. I find it very frustrating, as they do, that the federal government doesn't even have the common courtesy to draft a letter saying, "Thank you for your submission, and we'll take a look at the recommendations and get back to you." I'm very disappointed in the lack of response from the federal government. I had sincerely hoped for a better reception, since I thought we had the same objectives in mind.

**The Speaker:** The minister's time is up.

**Mr Tascona:** I've been following the story of the airline mergers in the papers and have read the many horror stories that have come from disgruntled passengers as a result of the changes of services. Stories about people being sent to the wrong terminal at Pearson airport and cancelled trips seem to be popping up more and more frequently. However, I've also read plenty of articles addressing steps the federal government claims they have taken towards improving services to Canadian travellers.

Minister, could you clarify for me and for the members of this House who are listening what the federal government has done to address this issue?

**Hon Mr Runciman:** That's just the problem: The federal government has yet to take any significant steps towards improving airline services in this country. Last month, Minister Collenette announced he was appointing a special commissioner to investigate travel horror stories. Apparently, this commissioner will look into customer complaints, but it's not clear if he or she will have any power to force airlines to act on the recommendations. The Competition Bureau is investigating one



specific incident of predatory pricing with Air Canada, but that doesn't even begin to cover the hundreds of other problems consumers face while travelling. Our report includes recommendations like instant, 24-hour access to customer complaint representatives, careful baggage handling and improved onboard service standards.

This government is committed to doing what we can to bring consumers' concerns about airline service quality to the attention of the federal Liberals. It's unfortunate that they can't commit to simple solutions even when they're—

**The Speaker:** The member for Timiskaming-Cochrane.

### CONSERVATION AUTHORITIES

**Mr David Ramsay (Timiskaming-Cochrane):** I wish I had a question for the former minister. He's getting his style back.

Today I have a question for the Minister of Natural Resources. Through all of this, I think it's becoming fairly obvious that we have a crisis in water management in this province. The reason is because you and your colleagues have allowed a turf war to paralyze water policy development in Ontario. Water policy is fragmented among six ministries and agencies in Ontario, resulting in a total lack of coordination.

MNR is responsible for a very important management agency: our conservation authorities. They are the lead agencies that manage flood plains and watershed quality in many parts of the province. During your term in office, you have cut transfers to the conservation authorities by 77%. Minister, can you assure me today that you will stop the cuts and start to reinstate funding to our conservation authorities?

**Hon John Snobelen (Minister of Natural Resources):** I want to again inform the member opposite, as I stood in my place in this House on several occasions over the last three or four months as the province was anticipating some drought conditions a few months ago—the Speaker will remember—I have made representations in this chamber that we have worked co-operatively with several ministries to design a strategy to help municipalities meet those needs across the province. Contrary to what the member has represented today, we in fact are working together more now than we ever have to help meet these needs across the province, whether that be drought response, whether that be flood plains, which is the original reason for the conservation authorities. We continue to fund conservation authorities across this province for the flood control that they were designed to do.

**Mr Ramsay:** The non-answer I've received from the minister really confirms my fears that he is preparing to make the final and last cut to the conservation authorities of \$7.6 million, which I believe is now being recommended to him by his staff. Your ministry is desperately trying to hold on to something to manage, because you've downloaded and offloaded everything else. By

destroying our conservation authorities, MNR would become the lead agency for watershed management. Meanwhile, the conservation authorities are going to play a lesser role under municipal control. Here again, you're changing responsibilities without assuring that municipalities have comprehensive legislation and regulations to ensure effective management of all of our water resources. This continues your ad hoc approach to water management right across this province. When are you going to sit down with your colleagues and finally decide upon which one ministry in Ontario will be the lead to manage our water resources?

**Hon Mr Snobelen:** I can assure the member opposite that all of my colleagues on this side of the House are concerned with water issues right across this province. There is a concern with that in every relevant ministry, and there are several of those. As I mentioned a moment earlier, we are working together, and we have been working together over the course of many years, particularly the last year, to develop strategies that will meet the needs across the province. We think it's best done when ministries co-operate together, and that's what we've done over the course of the last year.

As it relates to conservation authorities, let me again remind the member opposite that we continue to fund the flood and erosion control that the conservation authorities were designed to do. Conservation authorities, as the member will know, are very different across the province. They have independent boards that set the standards for the different operations that they have in different communities. We continue to work with them right across the province.

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### SPORTS AND RECREATION FUNDING

**Mr Garfield Dunlop (Simcoe North):** My question is for the Minister of Citizenship, Culture and Recreation. Minister, my constituents and I are quite thrilled that the Toronto 2008 Olympic bid recently announced that Hardwood Hills, one of the many great sports facilities in my riding, will host all of the mountain bike events if the bid is successful.

That news made me wonder what our government is doing to help our young people participate in sports and recreation, not just so they can compete in the Olympics but to better prepare them for a long, healthy life. I understand that we do not directly support athletes themselves but that the federal government does. Can you explain the difference in the funding, Minister?

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** I'd like to thank my colleague from Simcoe North for the question. I'd also like to say that it is the federal government's responsibility to support high-performance athletes who compete at national and international levels. It's the province's responsibility, on the other hand, to make sure that the citizens of the province are active, young and old, regardless of whether they're

excellent athletes or just out being involved in day-to-day activities. So the province provides \$7.4 million to provincial sports organizations, such as the Ontario Wheelchair Sports Association or the Ontario Cycling Association, to ensure that citizens of the province are involved, they're active.

One of the other things we do is make sure we participate in games. We fund the Ontario Summer Games, which are happening in Durham this summer. We funded the Winter Games that happened in Sault Ste Marie, the Senior Games, the Games for the Physically Disabled, and we can't forget the 2001 Summer Games that are happening in London.

**Mr Dunlop:** I thank the minister for her explanation of the support for our provincial organizations. I'd also like to thank her for the opportunity of opening Timeship 2000 in Gravenhurst last Friday. That's a wonderful exhibit and I hope everyone in the province can get a chance to see it.

I'd also like to know what our government is doing to help communities provide the facilities our athletes need, not only to compete but to play sports and develop their skills. I think most of us are aware of the great plans to provide some excellent sporting venues for the Olympics, but what about places in my riding like Orillia and Midland? What support can they expect in terms of providing facilities for ourselves and for our children?

**Hon Mrs Johns:** I would like to reiterate the member's comment about Timeship 2000. It's a fabulous exhibit that's going across the province. It will be close to everybody, in 31 ridings all across the province. I know that everyone will enjoy it.

There are two initiatives that we're talking about when we're talking about building community arenas and soccer fields. The first one was announced in the budget, thanks to the Minister of Finance, Ernie Eves. It was the SuperBuild sports, culture and tourism partnerships initiative, and it's \$300 million over five years to ensure that we rebuild and enhance facilities in the sports, recreation, culture and tourism areas.

The other program, which I'm extremely proud of, is \$6 million over three years for a community sports opportunity fund. This is going to encourage young children between the ages of 6 and 16 to get involved, whether their parents can afford it or not. We'll make sure that communities work together with the provincial government to ensure that everybody is active, everybody is involved in sports in Ontario who wishes to be.

#### COST OF ELECTRICAL POWER

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. It's about another of the government's initiatives that seems to have gone wrong.

Premier, when your Minister of Energy brought in electricity reform, otherwise known as deregulation, he said that rates would go down by between 8% and 40%. Imagine my surprise two weeks ago when the manager of the Abitibi Consolidated paper mill in Fort Frances came

to my office and said that as a result of your deregulation, the mill faces at least a 20% increase in their electricity rates. A 20% increase will mean a loss of jobs.

There are 15 other paper mills across northern Ontario, Premier. What are you going to do when all of them face these kinds of increases? Even one of your good friends, the president of the Independent Power Producers' Society, says, "Industrial users of electricity will probably see an increase in their power rates as the generation rate of the province equalizes to the adjoining US states."

You were supposed to cut power rates, but they're going up. What is your government going to do about it?

**Hon Michael D. Harris (Premier):** It was a significant portion of the large power users in the industries and the industrial associations that supported preparing Hydro in this province for competition that is coming across North America. They were the ones that lobbied and advocated and said we needed to be ready for that competition.

*Interjection.*

**Hon Mr Harris:** Rather than scream and yell and interrupt, perhaps the member would like to hear the answer. What we indicated in an all-party committee, supported by your party, supported by the Liberal Party, was to put a plan forward of how we could phase in to that competition and ultimately achieve those benefits.

**Mr Hampton:** We didn't support it.

**Hon Mr Harris:** I'm sorry. Now the member says they didn't support it.

All indications from the industry groups are that this is a good thing to do. Some users had rates that were a little lower than other users as a result of deals that they had cut with Ontario Hydro. If they're able to continue to cut those deals with Hydro or other providers, then they—

**The Speaker (Hon Gary Carr):** I'm afraid the Premier's time is up.

#### STANDING COMMITTEE ON ESTIMATES

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** On a point of order, Mr Speaker: Under standing order 59(e), "No estimates shall be considered in the committee while any matter, including a procedural motion, relating to the same policy field is being considered in the House."

This afternoon in the estimates committee, the estimates of the Ministry of the Environment were scheduled. As you know, we have as well this afternoon an opposition non-confidence motion dealing with environmental matters. It's my understanding that all of the House leaders have agreed that it would be improper for the estimates of the Ministry of the Environment to proceed. The chairman of the estimates committee is insisting that the committee sit this afternoon, which I don't think is proper.

I'm looking for some direction from you as to whether or not it's necessary for the chairman to call an estimates meeting this afternoon, given that our standing orders



actually prohibit any discussion with regard to the environment minister's estimates this afternoon in a committee.

**The Speaker (Hon Gary Carr):** The member for Windsor-St Clair on the same point of order.

**Mr Dwight Duncan (Windsor-St Clair):** Mr Speaker, that is not my understanding of what the Chair of our committee said. When we first raised this matter this morning, when we discovered that in fact the government was trying to avoid having its minister appear before this committee, we said at the time, and the government agreed, that there would be an adjournment of this hearing until next week, as I understood it. My understanding also was that there simply needed to be a motion put by the committee to that effect, and that that had to be put by the committee. That was the information we were provided by the government side. If that's not the case and we can simply re-schedule the hearing for next week, then we certainly can do that.

**The Speaker:** We have two more on the point of order. I think we have solved it, and I think sometimes when we tend to stand up and talk, we, for want of a better word, un-solve it. I think we have solved it, if I see both sides—

*Interjections.*

**The Speaker:** Any more talk and I'm not so sure. I will entertain points of order, but I think, if I'm looking at the House leaders on all three sides, the situation is solved. If members get up, we might not be in a situation to solve it. I leave it up to you. But I think we have solved it and I look for the guidance—on a point of order, the member for Broadview-Greenwood.

**Ms Marilyn Churley (Broadview-Greenwood):** Mr Speaker, I wanted clarity as to what the government House leader said. What happened at committee yesterday—in fact, I suggested as an option, and I believe the government members didn't agree, that we cancel the estimates for today so we could all be here. That option was turned down by government members. I just want to get that on the record. Let's not play games with this. We're all agreeing that it should—

**The Speaker:** I appreciate that, but where we're at now is the committee is going to, with all-party agreement, have a motion to sit another day. That will solve the problem, I think.

1530

**Mr Tony Ruprecht (Davenport):** On a point of order, Mr Speaker: Our page from Davenport has a few friends with her, including her mother, in the west gallery. I thought you might have the chance to welcome them.

**The Speaker:** I thank the member. It's not a point of order.

**Mr Gerard Kennedy (Parkdale-High Park):** On a point of order, Mr Speaker: I just want to iterate that I'm glad there is agreement on the estimates committee, but just for the benefit of the information of the House, the estimates committee can choose whether or not to accept a substitution for the minister. That question was put to

the committee. That's simply for the information of the House. There wasn't a ruling by the Chair, but rather, as is the precedent, the committee was asked whether they preferred that. A motion was put to have it sit another day and then another motion was put to have a substitute, and that has now been solved.

**The Speaker:** I thank the members.

## PETITIONS

### PROSTATE CANCER

**Mr Rick Bartolucci (Sudbury):** I have a petition to the Ontario Legislature.

"Whereas prostate cancer is one of the leading causes of fatal cancer in Ontario;

"Whereas prostate cancer is the second leading cause of fatal cancers for males;

"Whereas early detection is one of the best tools for being victorious in our battle against cancer;

"Whereas the early detection blood test known as PSA (prostate specific antigen) is one of the most effective tests at diagnosing early prostate cancer" and whereas the Minister of Health's inaction is literally causing men to die needlessly;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to encourage the Ministry of Health to have this test added to the list of services covered by OHIP, and that this be done immediately in order for us to save lives and beat prostate cancer."

I affix my signature to this petition as I'm in agreement, and give it to Christopher Kent from Sudbury to bring to the table.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** On a point of order, Mr Speaker: I seek unanimous consent to revert to motions at this point in time to put forward a motion with regard to the sitting time for the standing committee on general government.

**The Deputy Speaker (Mr Bert Johnson):** The government House leader has requested unanimous consent. Is there consent? It is agreed.

*Interjections.*

**The Deputy Speaker:** In this House, if there are two of us standing, one of us is out of order, and it's not me.

The Chair recognizes the member for Hamilton West on a point of order.

**Mr David Christopherson (Hamilton West):** Mr Speaker, I merely wanted to point out that we're prepared to give unanimous consent but I don't think we all agree that we want to eat up the petition time to do that. We're quite prepared to do it afterwards or suspend the clock, but not to use the time. With that in mind, I would ask you, Speaker, to put the time back on and we'll do this right after.

**The Deputy Speaker:** Is there unanimous consent to change the time to immediately after? It is agreed. We will continue with petitions.

### WATER QUALITY

**Mr John O'Toole (Durham):** I'm glad we made that agreement so I didn't lose petition time.

This is to the Legislative Assembly of Ontario on behalf of my constituents of the riding of Durham:

"Whereas it is well known that cattle are a significant source of dangerous strains of E coli bacteria; and

"Whereas cattle can be a serious source of degradation to rivers, streams and lakes through (1) defecating in or near the water, (2) breaking down and trampling banks and beaches, and (3) destroying vegetation in riparian zones;"—it's very well written, actually—"and

"Whereas many farmers permit their cattle to enter lakes and streams as a source of water;

"We, the undersigned, respectfully request that the government of Ontario pass binding legislation to establish mandatory setbacks from all watercourses, lakes and wetlands to prevent landowners or tenants from using such watercourses, lakes and wetlands as a source of water for cattle and other animals;

"We further respectfully request that the legislation be drafted in such a way that it cannot be overturned by the Normal Farm Practices Protection Board or any other special interest group."

I am pleased to present this on behalf of my constituents.

### DEVELOPMENTALLY DISABLED

**Mr Steve Peters (Elgin-Middlesex-London):** I have a petition to the Legislature of Ontario:

"Whereas there has been chronic underfunding for developmental services in Ontario; and

"Whereas underfunding affects frontline workers' ability to provide a quality of life for the clients; and

"Whereas the underfunding is placing the lives and the safety of clients in jeopardy; and

"Whereas the underfunding has led to long waiting lists;

"Therefore we, the undersigned, petition the government of Ontario to increase funding to meet these five priorities for improved quality of life for people with developmental disabilities:

"(1) provide services beyond the basic needs of the clients;

"(2) improve the ratio of staff to clients;

"(3) increase the availability of services to eliminate waiting lists;

"(4) address the changing needs of clients;

"(5) address the high rate of staff turnover and burnout."

This is signed by over 500 individuals from the province of Ontario in London, Parry Sound, Hamilton,

Dryden. I have affixed my signature as I am in full agreement.

### OCCUPATIONAL HEALTH AND SAFETY

**Mr David Christopherson (Hamilton West):** I have further petitions from Cecil Mackasey and Rick Roberts of CAW local 222. This has been forwarded to me by Cathy Walker, who is the national health and safety director for the CAW.

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances (carcinogens); and

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens; and

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances; and

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer and that the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

Again, on behalf of my NDP colleagues, I attach my name to this petition.

### KARLA HOMOLKA

**Mr John Hastings (Etobicoke North):** I have a petition to the Legislative Assembly of Ontario, a very vital one.

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to passes to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;



"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I affix my signature as well to this excellent petition.

### CORRECTIONAL FACILITIES

**Mr Dave Levac (Brant):** This is a petition that contains 1,000 more signatures.

To the Legislative Assembly of Ontario:

"Whereas the government of Ontario is actively pursuing private sector operators to run Ontario's correctional facilities, including adult strict-discipline boot camps, three megajails and five young offender facilities;

"Whereas findings show there is no cost savings to the taxpayer of Ontario;

"Whereas public safety will be greatly jeopardized in our communities;

"Therefore, be it resolved that the government of Ontario abandon all plans to privatize any aspects of the province's correctional system."

This was sent to me directly from the citizens of Penetanguishene and Midland and I affix my signature to this, with my thanks to them.

1540

### ALGONQUIN PARK WOLVES

**Mr John Gerretsen (Kingston and the Islands):** I have a petition here that was taken up by Laura Coristine, a Queen's student, and it's addressed to the Legislative Assembly of Ontario.

"Whereas the government of Ontario is committed under the Provincial Parks Act to protecting and preserving wildlife, the natural heritage and history of the land, and the diversity of the Algonquin Provincial Park ecosystem for the benefit of future generations; and

"Whereas the Algonquin wolves currently have very little protection unless they stay within the boundaries of Algonquin Park, and transboundary migration is common among Algonquin Park wildlife; and

"Whereas the majority of Algonquin wolves must leave the park at some time, as part of their natural movements; and

"Whereas the majority of Algonquin wolf deaths outside the park are human-caused, which is threatening the integrity of the population;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand that protective measures, including policy modification and public education, be enacted to

ensure the continuing survival of Algonquin Provincial Park populations, recognizing that the Algonquin wolves have a vital and integral role in healthy ecosystem function;

Specifically, that a minimum 10-kilometre no-kill zone be implemented around the perimeter of Algonquin Park for the protection of wolves venturing beyond park boundaries, with the no-kill zone including all townships that lie within this area, and the Ministry of Natural Resources take responsibility in promoting the coexistence of humans and wolves through public education programs, in order to reduce the senseless killing of wolves."

It's signed by about 1,500 people and I affix my signature to it as well.

### SCHOOL CLOSURES

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the Kinsmen/JS MacDonald school is slated for closure,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To direct the Upper Canada District School Board to remove the notice of closure for the Kinsmen/JS MacDonald special school facility.

"Since 1963 the special education facility has adequately served the needs of those students requiring special education programs and services throughout Stormont-Dundas-Charlottenburgh.

"Presently, the Kinsmen school meets the needs of 45 children ranging from minor learning disabilities, behavioural to more complex multi-challenges."

I submit this petition with my full support and I affix my signature.

### DELAYED START OF SCHOOL

**Mr Pat Hoy (Chatham-Kent Essex):** I have literally hundreds of names on these petitions and they wanted to ensure that this was were read in the House.

"To the Legislative Assembly of Ontario:

"Whereas for 1998 and 1999, a delayed start program, developed by community councils with input from students, had been accepted and successfully implemented for the schools of Glendale High School, Norwich District High School, and East Elgin Secondary School; and

"Whereas to this date there has not been resolve to this issue for September 2000, we hereby petition the Legislative Assembly to provide leadership and resolve for this very important local issue;

"Whereas this plan has, for two years, proven itself to be irrefutably beneficial to the students of these schools and developed with their best interests in mind;

"With the full support of all the parties concerned, we, the undersigned students of the schools who will be

affected by this decision, support the continuation of the late-start program as it has existed.”

I affix my name to these hundreds of names.

### EDUCATION LEGISLATION

**Mr Michael Gravelle (Thunder Bay-Superior North):** I have a petition signed by so many people from northwestern Ontario.

“To the Legislative Assembly of Ontario:

“Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

“Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

“Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

“Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario’s teachers; and

“Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

“Therefore we, the undersigned, petition the Legislative Assembly as follows:

“We call on the government to hold public hearings on Bill 74 immediately and also to terminate the bill.”

I’m glad to put my name to it.

### KARLA HOMOLKA

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I’ve got a petition to the Legislative Assembly of Ontario.

“Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

“Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

“Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

“Whereas Karla Homolka believes that she should be entitled to passes to leave prison with an escort; and

“Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

“Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

“That the government of Ontario will:

“Do everything within its power to ensure that Karla Homolka serves her full sentence;

“Continue to reform parole and make it more difficult for serious offenders to return to our streets;

“Fight the federal government’s plan to release up to 1,600 more convicted criminals on to Ontario streets; and

“Ensure that the Ontario government’s sex offender registry is functioning as quickly as possible.”

I’m happy to attach my name to it.

### EDUCATION LEGISLATION

**Mr Gerard Kennedy (Parkdale-High Park):** “To the Legislative Assembly of Ontario:

“Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

“Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

“Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

“Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

“Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“We call on the government to hold public hearings on Bill 74 immediately.”

I know that 700 people in Toronto in my riding of Parkdale-High Park and the municipality of Durham also believe that this bill should be withdrawn.

### MOTIONS

#### COMMITTEE SITTINGS

**The Deputy Speaker (Mr Bert Johnson):** By consent the House agreed to go to motions and we’ll do that now.

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** I move that the standing committee on general government be authorized to sit beyond its normal hour of adjournment today until 8 pm this evening.

**The Deputy Speaker:** Is it the pleasure of the House that the motion carry? It is carried.

It was that the standing committee on general government be authorized to sit beyond its normal hour of adjournment today until 8 pm this evening.



**ORDERS OF THE DAY****WANT OF CONFIDENCE MOTION**

**Mr Dalton McGuinty (Leader of the Opposition):** I wish to move the following motion:

That in the opinion of this House:

Since the provincial government has failed the people of Ontario in its duty to protect our drinking water—which killed people and made them sick; and

Since the provincial government has failed the people of Ontario in its duty to protect our air from pollutants—Ontario's air causes 1,800 premature deaths a year; and

Since clean water and air are essential to the health and well-being of Ontarians and their confidence in Ontario's water supply and air has been shaken;

Therefore, the government no longer has the confidence of this House.

**The Deputy Speaker (Mr Bert Johnson):** Mr McGuinty moves want of confidence, that in the—dispense?

**Interjections:** No, no.

**The Deputy Speaker:** Mr McGuinty moves:

That in the opinion of this House:

Since the provincial government has failed the people of Ontario in its duty to protect our drinking water—which killed people and made them sick; and

Since the provincial government has failed the people of Ontario in its duty to protect our air from pollutants—Ontario's air causes 1,800 premature deaths a year; and

Since clean water and air are essential to the health and well-being of Ontarians and their confidence in Ontario's water supply and air has been shaken;

Therefore, the government no longer has the confidence of this House.

The Chair recognizes the Leader of the Opposition.

1550

**Mr McGuinty:** So that people watching today understand, this is a non-confidence motion. I'm calling today on the members of this House to state that they no longer have confidence in this government. What I'm doing in a real sense is calling on the members of this House to formally recognize what is going on outside of this House, and that is, quite simply, that the people of Ontario themselves have lost confidence in the Mike Harris government.

I want to take some time now to speak to the issue of leadership, in particular leadership in terms of how it earns the confidence of people. How does a government show leadership? First of all, it shows leadership by doing its job, and the job description of a government, or at least the job description of a government as I would draft it, would include as its most fundamental responsibility to keep Ontarians out of harm's way, to keep Ontarians safe. It's the government's job to protect human life. What could be more important than that? Are tax cuts more important than life itself? Is ideology more

important than life itself? Is politics more important than life itself? Obviously, the answer is no.

To earn the confidence of the people, a government must do its job. When this government failed to protect our drinking water, it failed to protect human life and it didn't do its job. The consequences were nothing less than horrific. At least seven people have lost their lives, somewhere around 2,000 people became sick, and an entire community was plunged into a state of devastation.

It seems to me that when we turn on a tap, when we take a sip from a drinking fountain, when we give the kids a glass of water before tucking them into bed, we are placing our trust in our leaders to protect us. We are trusting our leaders to make sure that Ontario water won't make us sick and won't kill us. That is a sacred trust. This government and its leadership have violated that trust. This government failed to do its job. It failed the very first test of leadership.

How else does a government show leadership? By listening and then acting. This government was warned time and time again that a water disaster was brewing, but it failed to listen. It chose instead to ignore warning after warning. It was warned by its own environment ministry officials in 1997 and again last January. It was warned by the Provincial Auditor in 1996 and again in 1998. It was warned by the Environment Commissioner in 1996. It was warned by the Canadian Institute for Environmental Law and Policy. It was warned by the Ontario Municipal Water Association. It was warned by the Toronto Board of Health. It was warned by its own ministry officials inside the Ministry of the Environment. And it was warned by Ontario Liberals as far back as 1996, when we brought this issue and the potential for disaster and harm to the attention of the Premier and the then Minister of the Environment.

Time and time again this government has failed to listen. It has turned a blind eye and a deaf ear to all of the information and all of the warnings, which, when taken together, trace a roadmap to the Walkerton disaster. This government failed to act. It failed to ensure that the proper people, procedures and policies were in place to prevent this kind of tragedy from happening. It failed to provide adequate backup so that water treatment plants and sewer systems were properly inspected. It failed to ensure that the right people and the broad public would be notified just in case a crisis should occur. This government failed to act when the facts were placed before it. It failed to act when those facts cried out for action. By so doing, this government failed another fundamental test of leadership.

I can tell you something else about leadership and leaders. Confidence is earned by leaders who, in a time of crisis, bring to it strength and courage. When the tragedy hit Walkerton, and it hit Walkerton hard, this government's leadership responded not with the strength needed to accept responsibility but with weak, pathetic attempts to blame others. This government's leadership responded not with courage, but with cowardly attempts to pass the buck.

A strong leader doesn't go to the site of a tragedy simply to suggest that it was somebody else's responsibility, but the Premier went to Walkerton, complete with entourage, and blamed the NDP. Then shortly after that, he blamed human error. Then shortly after that, he blamed Ontario municipalities in general. Then shortly after that, he blamed the town of Walkerton itself. Think of that for a moment. Here is a community consumed by grief, burying its dead, mourning the loss of its loved ones, struggling to make some sense out of this terrible tragedy which has visited them, and Mike Harris, the Premier of Ontario, rises to the occasion, turns to the people of Walkerton and effectively says, "Yeah, well, you brought this on yourself." It seems to me that strong leadership, worthy of a people's confidence, would have stood up and accepted responsibility.

I can also tell you that strong leadership would have begun immediately to search for answers and solutions. The Premier said he wanted answers, but he did everything he could to avoid a full, independent and public inquiry. The Premier wanted to turn the matter of the Walkerton tragedy over to a legislative committee controlled by his government. To do so, to use the words of my colleague Sean Conway, would be effectively to ask the defendants to sit in judgment of their own case.

I am proud to say that as a result of my party's work we were successful in dragging a reluctant Premier, kicking and screaming, into a full, open public inquiry. Strong leadership wouldn't have had to have been forced into a public inquiry as the result of intense political heat. It would have called a public inquiry immediately simply because it was the right thing to do and because it was the only thing to do that would do justice to those people who lost their lives in Walkerton and to their families they left behind.

The Premier said that his heart went out to the people of Walkerton, but there was no compensation until we pressed the government to provide some, and then all he anted up was \$21 per person. Let's put this in some context. We now live in the post-deficit era. This government is the beneficiary of \$5 billion more in revenues than were originally anticipated. They have committed to \$9 billion in tax cuts over the next several years, but all they could ante up for the people of Walkerton at the outset was \$100,000, or \$21 per person. A strong leader would have led the people instead of being dragged along by them.

1600

You know how else a government shows leadership? It learns from tragedies and then it does everything it possibly can within its power to ensure that tragedy is not repeated. But this government's leadership has failed to do that as well.

We Ontario Liberals have put forward an intelligent, responsible action plan. It lists the kinds of things that we should be doing now to prevent another Walkerton. Our plan calls for the government to release water surveillance reports for 1998 and 1999 so people will know what's happening to their water. We believe there is a

tremendous sense of urgency felt by the people of our province. They have a real concern about the safety of their own drinking water in their own communities, and they're questioning themselves when they give a glass of water to the kids. I think this government has the responsibility to release information that it has with regard to the safety of our drinking water. Today we had a minister, the Minister of Transportation, stand up and say he's going to make it mandatory that we provide information regarding a vehicle that's been involved in an accident. Why can't this government do the same kind of thing with respect to the safety of our drinking water? If there's been anything untoward happening out there, any information at all connected with the safety of our drinking water should be provided by this government.

Our plan also calls for an inspection of every water treatment facility in the province so we can restore public confidence, but in order to do that, the government has to hire an additional 100 inspectors and enforcement officers so we can get the job done. I was saddened to learn this morning and again today in question period that the Premier believes that this is nothing more than a temporary crisis, nothing more than a bulge, a blip on the screen that calls for nothing more than a quick fix and a temporary solution. We are in a permanent state of crisis when it comes to managing drinking water safety in Ontario. The only way that a responsible government, a government that demonstrates real leadership, should react to that is by putting in place permanent solutions.

We've also asked the government to ensure that the Ministry of the Environment once again comprehensively tests our drinking water. It's hard to believe, but the Ministry of the Environment, under its drinking water surveillance program, is no longer testing for E coli. A particular strain of E coli is what killed people in Walkerton. It's what made 2,000 people sick. I think those Ontarians who aren't aware of this information will be shocked upon learning that this government is now so far removed from drinking water safety, has abdicated its responsibility to such an extent, that it is no longer testing for the presence of E coli in our drinking water. We think that, at a minimum, they should be doing that kind of thing effective immediately.

We've also said—and I am proud to say we said this during the campaign in 1999—that we believe it's time to pass a safe drinking water act in Ontario, one with real teeth and enforceable standards, that makes clean and safe drinking water a matter of law in Ontario. This government is satisfied with policies and directives and guidelines and objectives, none of which amount to anything in a court of law. We think that safe and clean drinking water should be something that you could take to court and enforce, and that's what a safe drinking water act would do.

So we've put forward this action plan, and this government has failed to move forward on any front. It has been too busy covering up to do what's necessary to clean up. It's been too busy protecting its image to do what's necessary to protect Ontarians. Strong leaders



learn from a tragedy and they do everything in their power to prevent another tragedy. This government failed to do that. It failed another test of leadership.

Everything that I have described in water protection is happening with respect to the air we breathe as well. There again are warnings, but the government fails to listen and fails to act. There are smog days, but the government, in keeping with its tradition, passes the buck. And there are tragedies, tragedies which are just as sad, if not as dramatic, as what happened in the town of Walkerton. Smog, as everybody knows, is a silent killer. It moves by stealth. It envelops us and it gets inside our lungs and it causes the most damage to our most vulnerable, our youngest children and our oldest parents and grandparents. We know, this government knows, that smog kills 1,800 Ontarians prematurely each and every year, but in the face of that information—provided, by the way, by Ontario's doctors—in the face of that evidence and tragic statistic, this government doesn't listen and it doesn't act.

This is why today I felt compelled to bring forward this motion. I know that in this place, party politics can have a greater hold on government members than the people that they represent. I understand that. That's the way this government works. So this motion may not be successful inside the Legislature, but as a leader, I know and my caucus colleagues know that our first responsibility lies with the people of Ontario.

I say today that the people of Ontario have lost confidence in this government, this government which has failed to provide strong leadership, both in terms of what it did prior to the Walkerton tragedy and what it's doing today in failing to adequately respond to what happened in Walkerton. This government, this Mike Harris government, failed to do its job. It failed to protect human life. The Mike Harris government failed to listen. The Mike Harris government failed to act, and it fails to act this very day. The Mike Harris government failed, in the face of tragedy, to accept responsibility. The Mike Harris government failed to move quickly and to get answers. The Mike Harris government failed to move quickly to provide adequate financial aid to the people of Walkerton. The Mike Harris government failed to do what's necessary to prevent another Walkerton tragedy. The Mike Harris government has failed to provide leadership.

It's important to understand what we're talking about here. This failure by this government to provide real and strong leadership has produced a cost that transcends this place and transcends politics. The cost of that failure has been human life itself, and nothing could be of greater value. Surely all members in this House would agree to that. In Walkerton, a family lost their child, their baby girl, two and a half years old. She lost her life as a result of drinking contaminated water in Ontario in the year 2000. Six others lost their lives as well. When it comes to our drinking water, a town, and I would argue a province, has had its sense of security shattered.

1610

I can tell you that the people of Walkerton have earned our respect by responding with courage and compassion. The people of Walkerton have shown true leadership. The Mike Harris government has not. That's why I am urging all members to recognize what has happened outside of this House. The people of Ontario have lost confidence in the abilities of the Mike Harris government to provide strong leadership.

**Ms Marilyn Churley (Broadview-Greenwood):** I am rising to tell the Legislature that I and my caucus support this very serious resolution before us today, a resolution that doesn't come before a Legislature that frequently.

I want to start by saying that what we all have to realize here is that what happened at Walkerton goes to the very heart of the neo-conservative agenda. I don't think the government has realized it yet but what happened in Walkerton has taken the shine off the Common Sense Revolution. I think we have to go back into history a little bit and remember that even prior to 1995 when Mike Harris, then in opposition, came up with and designed the Common Sense Revolution, he didn't just do it by himself. He had his backroom boys helping him out, coming up with this very neo-conservative strategy.

The whole approach, the whole idea, was to get government out of people's faces, to get rid of—

**The Deputy Speaker:** Order. I would ask those who are standing between me and the speaker to sit down. The Chair recognizes the member for Broadview-Greenwood.

**Ms Churley:** The very design of the Common Sense Revolution was to downsize government, to get it out of people's faces. In fact, Mike Harris very proudly used to say, "We are not the government; we are here to fix government." The whole approach was to downsize government to the extent that we no longer have a government that is taking care of the safety of our citizens any more. The idea was to cut the role of government throughout our entire society, and that included environmental protection.

What amazed me is that with all of the cuts Mike Harris brought in, the Ministry of the Environment and the Ministry of Natural Resources were cut at twice the rate of any other government ministry. Indeed, in the last budget, the 2000 budget, those members sitting here today got up and applauded, and are still applauding every day, every opportunity in this House when they talk about it.

In that budget, as you know, Mr Speaker—when you're not in the chair, you sit in the caucus—when the government found over \$8 billion to give away for more tax cuts—when we're rolling in money, there's \$8 billion to give away in more tax cuts, mostly to the very wealthy and to corporations—there was yet again another \$16-million hit to the Ministry of the Environment; and I forget how much to Natural Resources, but I know there was another cut there. I almost fell out of my chair. After all of the cuts—it now adds up to about \$100 million cut

from the Ministry of the Environment over these past five years—you've got to ask why.

Of course, we know the answer. Tory members, including the Premier, have stood up repeatedly and spoken to the press and said that they want to get rid of red tape; and environmental regulation is red tape, and they're committed to getting rid of 50% of it by next year. Well, I'd like a definition of what they call red tape when it comes to protection of the environment.

I want to get back for a moment to this very serious issue. We cannot talk about what happened at Walkerton without also talking about the so-called Common Sense Revolution and downsizing government to a state where they're no longer effectively in control of protecting the citizens any more. That's what happened here.

I recall there was a man named Tom Long who was very involved in developing that agenda, and now—this is a very serious issue that people have to start thinking about—Tom Long is out there running for the Canadian Alliance party. He said that if he wins and is elected, he will implement a common sense revolution nationally and implement the other business-supportive, cost-cutting actions of the Harris government. If I were people across the country I would be very afraid of this man, because he is one of the chief authors of what's happening here in Ontario today.

As everybody knows, 11 people have died in Walkerton and at least 2,000 made sick by E coli contaminating their drinking water. The MOE was informed of E coli in January of this year and did not follow up with the Walkerton water treatment plant for almost three months. The MOE by its own admission failed to notify the medical officer of health of this contamination.

The ministry, again according to their own statistics, knew in 1998 that there were 3,300 violations in terms of discharge of polluted water and yet, incredibly, only one prosecution.

I believe I made a mistake when I asked the minister a question about this yesterday. I said "not one" prosecution, which gave him the opportunity to stand up and say, "Hey, we did prosecute somebody." In fact, there was one.

The previous minister, Tony Clement, now the Minister of Municipal Affairs and Housing—

**Interjection:** The minister of privatization.

**Ms Churley:** —the minister of privatization, although the Premier sort of tried to backtrack on that one is a big way today. The minister said that more inspectors would be hired. Nothing was done. But worse than that, not only were more inspectors not hired, the ministry budget was cut once again.

In February 1999, the ministry internally issued a directive telling staff not to follow up on a wide range of environmental complaints, and that's because they were downsized to the point where they were unable to make sure there were staff in place to keep their own laws in place.

The provincial water protection fund is broke now and you're going to cancel it completely. The minister likes

to stand up and brag every time a question is asked about this. He says, "Hey, we've got this water protection fund, and it was going to be spread out over three years, but guess what? We were so excited we accelerated it over two years, so that municipalities could get on with fixing their sewer and water systems." But again and again we remind the minister that the problem is that on top of all of the other cuts—the cuts to the municipal assistance program which our government, the NDP, had heavily invested in communities in terms of upgrading sewer and water projects; the cuts to staffing throughout the whole water system—on top of that they're going to reduce this so-called water protection fund to help municipalities upgrade their systems, to fix their systems, to a big fat zero next year—zero. That ties in very well with what the Minister of Municipal Affairs was saying yesterday outside this House to the press—and is quoted all over the place—"Of course we're looking at privatization." I believe he said something like: "We shouldn't even be here if we weren't doing our job. We should be looking at this." The Premier backtracked completely on this today, or tried to anyway. I believe there must have been a cabinet discussion about this today and I believe there are probably a number of members of the cabinet and the caucus who were not very happy with the Minister of Municipal Affairs and Housing's comments yesterday.

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The minister continues to amaze me and this House by not being aware of documents prepared by his own ministry. This includes documents that warn him about the damaging impact of government cuts. Maybe he's going to have to start using the freedom-of-information process that everybody else out there is having to use. They have to spend a lot of money. That's what they've got to do now to get information from the ministry.

Actually, it's worse than that. The Ministry of the Environment has so much trouble now tracking even its own documents because they are so understaffed that today, if you can believe it, they called an NDP office here at Queen's Park to get a copy of a memo written by their own assistant deputy minister of operations. Incredible. Under Minister Dan Newman, the Ministry of the Environment is reduced to calling the NDP to find their very own document. I wonder if we'd charge them as much as they charge for a filing under FOI. I wonder if we should start at least making some money from helping the minister out and getting him his own documents.

There are many reasons why we do not have confidence in this government's commitment to protect our water and our whole natural environment. One of them that we're just hearing about now is Safety-Kleen. The company is the number one importer of hazardous waste to Ontario. They bring it in by the truckload and, by the way, they are also asking for Dan Newman's permission to increase the importation of hazardous waste to their site in Wentworth-Burlington, home of the soon-to-be-called by-election. The company has gone bankrupt and Ontario does not have sufficient funds in reserve to cover off the huge environmental liability we may be about to



inherit. I believe the minister said \$2 million. How far off? I know in the United States it's about \$70 million.

Confidence in this government on the environment? Give me a break. I would say that throughout the last couple of years, even their own supporters have absolutely no confidence in this government's commitment to the environment. In fact, it is the mishandling of the environment, as I said earlier, that's broken the spell of their Common Sense Revolution. The magic is gone and the truth has become clear. This government regards environmental protection as an unnecessary impediment to their profit-seeking business friends and supporters in the private sector and has accordingly done everything possible to eliminate it.

Water and Walkerton are really sadly only the tip of the iceberg. We're spending a lot of time right now, for obvious reasons, talking about water and Walkerton because of the tragedy that happened there and the increasing awareness that the cuts to the ministry and the down-loading and the deregulation and the amalgamating and the privatizing—this government's very agenda, when we go to the heart of it—played a role in that tragedy.

These days we're not talking about air pollution, but we have and we will again, because that problem is getting worse. The minister brags about all the so-called policies and programs he has put in place, but we know very well that most of them are voluntary. He can talk about Drive Clean, but if he doesn't do something about converting the dirty coal-fired plants to natural gas, it's like putting in Toronto alone a million more cars on the road.

I know the minister got forced into quickly calling a moratorium after the Premier accidentally misspoke himself and said that of course the minister wasn't going to sell the Lakeview plant unless it was converted to natural gas. I watched people scramble over there. If you could have seen the looks on the faces of the Minister of Energy and the then Minister of the Environment—I don't know if it was you or not. Yes, of course it was. There was a scrambling around of staff, and suddenly people were running around and notes were flying about, and very quickly after, the minister was out in a scrum saying, "Oh, we've placed a moratorium on it." That was damage control. But may I say I'm glad the Premier misspoke himself so that there was some damage control done which now, with the moratorium, gives us an opportunity to continue to pressure the government to convert all of those plants, not just Lakeview.

I believe the document that NDP research got a call about this morning was the document that I was quoting from quite frequently. Again I'll remind the minister that one of the major reasons we don't have confidence not only in him to do the job as Minister of the Environment—you know, it's true I've been calling for this minister's resignation. But I've not just been calling for this minister's resignation. We've had four or five—are you the fourth or the fifth new minister? The fifth new Minister of the Environment since this government came to power.

#### *Interjection.*

**Ms Churley:** The fourth; whatever. It's just changes in faces. That's not going to make the difference. It doesn't matter to me whether Dan Newman is the Minister of the Environment or somebody else is the Minister of the Environment, because if you don't restore the funding to the Ministry of the Environment and come in with a new mandate again for the Ministry of the Environment that is actually to protect the environment, then it is not going to make any difference. It doesn't make any difference—

#### *Interjections.*

**Ms Churley:** The members are now starting to heckle and speak back. I will tell the members that in the last election campaign we were very honest with people. And it's true; people bought your message and not ours. That's obvious. There's nine of us here. But we were honest about our commitments and we said that we had to restore money not only to the environment but also to health and to education and across the board, because the cuts had been so deep that our communities had been badly hurt. And we did say quite clearly how we were going to pay for the 500—not 100, but 500—new staff that we would immediately put back into the Ministry of the Environment, and that was just for starters. One hundred new people hired right now is hardly going to make a dent, given that we've had over 900 people fired from there.

So yes, I admit to the Conservatives that we said we would invest more money back into the environment. In fact, we, when in government, went through a very deep recession, not caused by the NDP, as the Tories and sometimes even the Liberals like to say. But they all know better what happened there. We decided to borrow money to keep protecting the environment. We put in over \$200 million. May I say that for a while the Minister of the Environment and others were going out there systematically telling people that the NDP cut \$200 million from the Ministry of the Environment. They are not saying that any more because I've pointed out to them in the House to check the records, and they did. In fact, that money was not cut from the Ministry of the Environment; it was put into the Ontario Clean Water Agency, which the government now, by the way, although they're backing off from that right now and putting it on hold, is planning to sell off to the private sector.

I'm just going to close by reading a few quotes again which I've read into the record before. But one of the most compelling reasons why I have no confidence in this government in terms of protecting the environment and protecting the health and safety of our people is because they were warned on so many occasions that something terrible was going to happen, that they couldn't keep up these cuts and deregulation without something terrible happening. They have been warned since 1966—

**Ms Shelley Martel (Nickel Belt):** Nineteen ninety-six.

**Ms Churley:** Did I say 1966? It feels that long sometimes. Since 1996.

I'm going to quote for you again the *Globe and Mail* of April 23, 1997. This is by James Rusk, Queen's Park bureau at the time. Ms Ligeti, the former Environmental Commissioner, was being interviewed about one of her damning reports about this government's terrible record on environmental protection. This is quoted right from the article: "She stressed that government cutbacks have compromised environmental protection, particularly in three areas: the testing of drinking water, acid rain and the inspection of pits and quarries."

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They just cut the acid rain program again, too. That's one of the areas that was identified. Later on, she said she could not point directly to any environmental deterioration that has resulted yet from the government's action. "What you're looking for is dead bodies, and we're hoping to avoid that." She used that line. Unfortunately, sadly, tragically, we have those dead bodies. What is so terrible about this situation is that the government had been warned time and time again, both internally, within the ministry—there's no denying it now; we've got the document—and externally, by the Environmental Commissioner, by all kinds of environmental groups, by the OMA. There were many, many groups warning the government, and they failed to listen.

I'll close by saying that we cannot wait until the end of this public inquiry to rehire the staff and put the mandate of protecting the environment back into the Ministry of the Environment. I don't want to hear that as an excuse every time we ask questions about releasing test results for water testing, releasing the results of the latest audit, doing all of those things. Immediately the government should be announcing that they're not just going to hire 100 new staff; I'm calling on the government today to hire at least 500 of the staff that they fired over the past five years. It doesn't get back all of the 900, but it will go a long way in starting to repair the damage that has been done and hopefully put the procedures and people in place so that we will never have a Walkerton again and so that we will start doing everything we can. That means spending the resources and hiring the staff to curb air pollution in this province and to curb all of the other environmental problems that we are seeing getting worse and worse yearly here.

**Hon Dan Newman (Minister of the Environment):** I'm pleased to have this opportunity to talk about the Ministry of the Environment's commitment to ensuring well-protected drinking water for the people of Ontario.

I know that every member of this Legislative Assembly has been deeply moved by the tragedy that has unfolded in Walkerton. It is a sad reminder of the importance of environmental vigilance.

I want to assure my honourable colleagues and the people of Ontario that the provincial government and the Ministry of the Environment are being vigilant in the protection of Ontario's drinking water. We have responded decisively to the E coli breakout in Walkerton, and

we're working to ensure that the municipality has access to a safe, long-term supply of drinking water. We are taking actions that will further protect drinking water in all parts of Ontario.

Ontario has long enjoyed high-quality drinking water. In fact, a report released this year states that Ontario drinking water quality is as good as or better than that found in many jurisdictions around the world. The ministry's drinking water surveillance program indicates that 99.98% of water samples analyzed meet the health-related objectives of the Ontario Drinking Water Objectives.

I want to emphasize one point here regarding the drinking water surveillance program. Despite media articles suggesting that the program has been terminated, it has in fact actually been expanded. Today it monitors 175 municipal waterworks, and it continues to grow at about 10 facilities per year. In fact, it represents 88% of the people serviced by municipal water in our province.

In light of what has happened in Walkerton, it's not surprising that we're hearing more numerous concerns raised across the province about water quality in local communities.

We're also hearing reports around the country. In the province of Manitoba, recently there were reports where similar findings were found in its water supplies. Federal Environment Minister David Anderson recently said that his province of British Columbia issues approximately 200 boil-water advisories per year. But the point remains, Ontarians can be confident that their drinking water is safe and well protected.

Before 1993, provincial laboratories provided free testing of drinking water. In 1993, a fee was instituted. At this time, about 1% of municipalities were using private labs. Between 1993 and 1997, municipalities had a choice of using provincial or private labs. By 1996, half of the municipalities in the province were using private labs. The use of provincial labs was phased out because non-government labs proved to have the capacity and the capability to provide quality testing services.

I'd now like to look at the notification requirements. Because of the changes in public and private lab usage, we took extra precautions to ensure that notification requirements were known and understood by all. These precautions, which I will outline in a moment, were intended to make sure that everyone was clear as to their responsibilities with respect to notification. The procedures to be followed by municipalities were not changed. They were the same today as they were in 1995 when we came into office.

The Ontario Drinking Water Objectives, as revised in 1994, state, "If the water contains any indicators of unsafe water quality ... the laboratory will immediately notify the Ministry of Environment district officer, who will immediately notify the medical officer of health and the operating authority to initiate collection of special samples and/or take corrective action."

This provision does not distinguish between public and private sector laboratories.



In May and June of 1995 the ministry sent a letter to all water utilities setting out the minimum recommended sample for waterworks. The ministry wanted to ensure waterworks owners clearly understood their obligations. With this in mind, our letter said, "The owner must notify the Ministry of Environment district office as soon as possible of the occurrence of any treated water or distribution system bacteriological analysis which indicates unsafe drinking water quality."

A copy of the Ontario Drinking Water Objectives was included with that letter.

In January 1997, the ministry released a guidance document for choosing an environmental analytical laboratory. Let me quote from it briefly. "In the case where a sample result for a parameter designated as health related in the Ontario drinking water objectives is above a certificate of approval limit or an Ontario drinking water objective, the contracted laboratory must immediately inform the local medical officer of health, the Ministry of Environment district office and the contracting agency of the exceedence."

It is clear that the Ontario Drinking Water Objectives place an onus on laboratories to inform the ministry. Since the ministry wanted to ensure that it receives the necessary information, the 1995 letter placed additional responsibility on the owner, as well as to let the ministry know of problems as soon as possible.

Finally, the guidance document makes it abundantly clear that the laboratory which analyzes the sample has an obligation to inform the district office of the ministry, as well as the local medical officer of health and the contracting agency when a drinking water objective is exceeded.

The cumulative effect of these three documents—the Ontario Drinking Water Objectives, the 1995 ministry letter and the 1997 guidance documents—is to clearly indicate that the laboratory and the water facility owner both have the obligation to notify the ministry of drinking water contamination. We expect that the notification procedures I've outlined will be fully reviewed through the various investigations and inquiries that are taking place.

But I would like right now to turn to the Ministry of Environment's actions as the Walkerton situation unfolded. The ministry moved quickly to ensure that the municipality will have access to a long-term, safe drinking water supply.

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On Thursday, May 25, after discussions with the local health unit and the town of Brockton and its consultants, the ministry issued a field order to the town, setting out the requirements the town would have to comply with in order to restore the water supply to safety. We are continuing to look for the source of the problem with a number of partners, including the local medical officer of health, the Ministry of Health and Long-Term Care and the town of Brockton. The town of Brockton has turned over the operation of the municipal system to the Ontario Clean Water Agency. The agency is working with the

municipality to get the municipal system cleaned up as quickly as possible.

As a precautionary measure, I've contacted municipalities across Ontario to advise them on what actions they should take if they have concerns about their water supplies or if they receive calls from citizens concerning private wells.

Testing Walkerton's water supply is being conducted by a private lab contracted by the town. The municipality has begun a significant upgrade of its system and is now undertaking a systematic house-by-house decontamination process. While we cannot predict with certainty, we anticipate it will be approximately six weeks before we can recommend to the medical officer of health that the system can be safely restored to use.

My colleague the Attorney General, Jim Flaherty, has announced a public inquiry into the events surrounding the Walkerton tragedy. Mr Justice Dennis O'Connor of the Ontario Court of Appeal will serve as the inquiry commissioner. As everyone here is aware, Minister Flaherty yesterday set out the guidelines for the inquiry, which will be comprehensive and will look at every aspect of the Walkerton situation.

The inquiry joins three other investigations already underway, including an Ontario Provincial Police investigation, a coroner's inquest into the deaths believed to be linked to the E coli breakout, as well as a ministry legal investigation into the events surrounding the contamination of the municipal water system, and this will be carried out by my investigations and enforcement branch.

I'd now like to turn to the action plan we have developed to further protect drinking water in Ontario:

First, inspection of each of the 630 municipal water treatment facilities in Ontario by the end of this year: We will make sure there is full compliance with the legal requirements that protect our health and our drinking water. We will ensure that these facilities are meeting the conditions set out in their certificates of approval and that they are meeting the Ontario drinking water objectives. We will issue legally binding orders in any instance where we determine there is any failure to comply with health-related requirements. These inspections will give priority to facilities where there have been problems in the past, such as results indicating that Ontario drinking water objectives have been exceeded.

Second, a ministerial review of certificates of approval for all municipal water treatment facilities: This review will result in each municipal water treatment facility in Ontario having one new certificate of approval that clearly sets out what is approved, that restates the requirements of the regulations I will introduce and sets site-specific conditions for the operation of the facility. While the plant inspections will ensure that all facilities are doing what they are supposed to be doing according to the conditions placed upon them, the certificate reviews will determine if the facilities are adequate to the task of meeting municipal water needs in the 21st century.

Third, a drinking water protection regulation is being developed under the Ontario Water Resources Act: Our

intention in developing this regulation is to make Ontario's drinking water protection standards among the toughest in the world. The regulation would give these standards, for the first time in Ontario, the force of law. In my announcement on May 29, I announced that I had instructed ministry staff to develop a regulation including the following mandatory requirements:

(1) All laboratories, including laboratories at water treatment plants performing tests on drinking water, must be accredited by an agency such as the Standards Council of Canada, which works in tandem with the Canadian Association for Environmental Analytical Laboratories.

(2) Municipalities must inform the Ministry of the Environment if they change the private laboratory facility that is testing their water. This will ensure that the ministry will contact the new lab and inform it of its roles and obligations.

(3) Notification requirements will be made absolutely and unequivocally clear. If any laboratory finds that a test result indicates unsafe drinking water quality, it must immediately inform the Ministry of the Environment and the medical officer of health, as well as the municipal water facility operator. The ministry will require a municipality to immediately notify all three if they find a problem. The ministry will require every water works to do so itself, unless they are assured notification has already taken place.

As the honourable members can appreciate, the regulation is not finalized, but it will be more comprehensive than these proposed requirements that I have outlined.

The actions I have just outlined for my fellow members show that the provincial government and the Ministry of the Environment are showing leadership in the protection of Ontario's drinking water. We have responded decisively to the E coli outbreak in Walkerton, and we're taking actions that will further protect drinking water in all parts of Ontario to ensure that no other community ever has to face the kind of tragedy that happened in Walkerton.

**Mr Gerry Phillips (Scarborough-Agincourt):** I want to talk very briefly about the fact that there's ample evidence that the government was neglectful in dealing with the issue of safe water for the people of Ontario. You talk about leadership. The Provincial Auditor—this is the group that we, the Legislature, engage to give us objective, third party evaluations of what we're doing here—in 1996, couldn't have been clearer. He said to the government, "We have a major problem with drinking water—31% exceeding the maximum acceptable limits." He said to the government, "What are you going to do about it?" The government said to him: "Right now we're working hard. We're preparing a plan to deal with this. We'll do it."

Two years later, 1998, the auditor went back and revisited this issue: 31% exceeding the maximum limits. They said: "What are you doing about it? This is a major problem." This is our Provincial Auditor warning the government, in as clear terms as possible, that they were

neglectful. They said there, "We still haven't done it." Two years later: still not done.

Our Environmental Commissioner: again, an independent person appointed by the Legislature. We appoint this person. This person is responsible for looking objectively, in a third party way, at our environment. The Environmental Commissioner made exactly the same point to the government and said: "This is desperate. Where is this plan?" And got the worst kind of bureaucratic run-around I've ever seen—got four different answers from four different ministries.

Today in the Legislature we heard about one of our conservation authorities saying that as of June 2000—this month—there still is no comprehensive plan. I say to the people of Ontario: Nothing could be clearer about the neglect of this government. They were warned by our auditor about this huge problem, and they put them off in the most callous way, saying, "Don't worry, we're doing the plan." They had no intention of doing the plan. Two years later, the auditor came back and said, "Listen, I want to know what you've done about this." Nothing. It still hadn't been done.

So I say to the people of Ontario: This motion today calling for lack of confidence is as a result of independent employees of yours, of the taxpayers, providing us with more than enough evidence of the enormous problem. The government did the worst thing. They simply put the auditor off, put our Environmental Commissioner off. Wilful neglect. Now we hear from the minister, "We're doing this, we're doing that, we're doing this." I think the people of Ontario have a right to be completely outraged.

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They knew about this problem. They were told about this problem, the problem was spelled out, and they completely ignored it. It's wilful neglect, and nothing could demonstrate more a lack of confidence in a government than six people dead, our water program still not in control and the government giving us nothing but bureaucratic gibberish when they should have been doing what they promised to do four years ago and coming forward with a legitimate plan for dealing with a serious problem in the province of Ontario.

**Ms Martel:** I am pleased to participate in the debate today. It's an important debate. It's a very serious debate. I hope the government members recognize that as they get up to speak today.

We have in the last number of weeks witnessed in this province an incredibly horrible tragedy. I can't imagine what the families of those who have been victims and who have died from this E coli outbreak must feel right now. I can't even begin to imagine what they must feel, knowing that in Ontario in the year 2000 they couldn't depend upon safe drinking water for themselves and their families. They couldn't depend on it in the province of Ontario in the year 2000.

You think that these kinds of horrible tragedies with respect to drinking water happen somewhere else, in some Third World jurisdiction where governments don't



give a damn about those kinds of things. Imagine how people must feel. In this province where we used to pride ourselves on environmental protection, in a province that just saw an unanticipated \$5-billion increase in revenues from last fiscal year to this, in a province where we have all kinds of expertise and experts in a ministry who have been laid off, they must just continue to believe how unbelievable it is that we find ourselves in this situation where no one in this province—no one—can trust the quality of the drinking water that's coming out of the taps in their communities. That is a sad state of affairs.

Frankly, this government has to accept responsibility for that, because this government came to office in 1995 on a promise that it was going to get government out of the face of people, get government out of their way. "Let them do their own thing; it will be so much better." We've seen regulation after regulation that had been put in place by successive governments to protect people and their drinking water, their health care and so many other things just wiped away by this government, all under the guise of getting government out of the face of people.

This government was going to fix government. It wasn't going to be the government; it was going to fix. What this government has been obsessed by since its mandate began was how it could cut, cut, cut regulations that had been put in place over many years to protect people and how it could cut the staff that were necessary to enforce those regulations so they could give a big tax break to the rich and famous. Where has it got us? What has it led to? To a horrible tragedy in a community in this province and to a situation where I think the majority of people, if you had a chance to talk to them today, would say they have no confidence—none—that their drinking water is safe. What a sad state of affairs in this province in the year 2000.

It's worth going through a bit of a historical review of what's happened at the Ministry of Environment and Energy because what has happened is unacceptable. It's certainly not defensible. I don't know how the government today is going to put up its members to try and do just that. Let's go through just a brief historical review of what was in place and what's been cut courtesy of this government.

In 1991, our government started the CURB program, the Clean Up Rural Beaches program, to encourage farmers to use proper fencing etc to keep livestock away from polluting water sources.

In 1993, our government allowed municipalities to choose to use either the MOEE labs or private labs to test their drinking water. The vast majority of those municipalities indeed stayed with the Ministry of the Environment.

In 1993-94, the MOEE launched a major capital infusion program to upgrade municipal water and sewer plants right across this province.

In 1994 the Ministry of the Environment and Energy under the NDP updated the Ontario Drinking Water Objectives to require labs to report to the ministry, and

then the ministry to report to the medical officer of health, when contaminants were found in drinking water.

In 1994-95, the budget for the Ministry of the Environment under the NDP was \$558 million. We established the Ontario Clean Water Agency and another \$2 million was put into that agency to allow it to develop and get underway.

Then we had the election of the Harris Conservatives, coming to get government out of the face of people. In 1995, one of the first things the Harris government did was to cancel the Ministry of the Environment's report of environmental violations, which under us had been called the convictions report.

In 1995, the Mike Harris government cancelled CURB, the Clean Up Rural Beaches program.

In 1995, the Environmental Commissioner began to warn against the effect of cutbacks on water management. In her report, she called on the government to implement the groundwater protection strategy to try and avoid the disaster that has now come upon us with respect to Walkerton. The Environmental Commissioner repeated that request in every subsequent annual report that she provided to this House and to this government, and this government did nothing.

In 1996, the Harris government closed the four government testing labs—in Thunder Bay, London, Kingston and Toronto—and took the province of Ontario entirely out of the water testing business, so that all municipalities were forced to use private labs. If I remember, at the time that legislation was passed all of those municipalities were given a mere eight weeks to try and shift to the new provider. It's no wonder there was an increase in their costs when that happened.

Between 1995 and 2000, the Harris government has laid off over 900 Ministry of the Environment staff. This includes those involved in water testing, scientists, and the investigation and enforcement branch.

Between 1995 and 2000, the Harris government has taken \$100 million out of the operating budget of the Ministry of the Environment. That just proves how much of a priority this government places on the environment, doesn't it?

In 1996, the Ministry of the Environment's drinking water surveillance program under this government stopped testing for microbiological parameters—ie, E coli—and the number of annual government tests for municipalities, for their systems, dropped from 400,000 to zero.

In 1999, in the fall, Mike Harris got rid of Eva Ligeti, probably because she continued to raise her concerns with respect to the environment, and appointed Gord Miller. Everyone in this House knows that Gord Miller had been a former Progressive Conservative candidate, a friend of Mike Harris's. I guess the interesting question is if Gord Miller, in the first annual report he provides to this House, will actually call on this government to implement the groundwater protection strategy in the same way that Ms Ligeti did in the full five years that she was appointed under this government.

In the 2000-01 MOE budget, we see now a decrease of over \$16 million from last year to this year. Again that shows the priority this government places on the environment. If you look at the spending in real dollars, that 2000-01 budget is actually below the level of 1971-72 spending, in the year that the Ministry of the Environment was first created.

In 1998, we had 3,300 violations of water pollution discharge standards, and that covers both private and municipal sewage treatment plants. Of the 3,300 violations, the ministry launched one, and only one, prosecution. Again that tells you something about the priority this government places on actually prosecuting those who pollute. It's clear to see there is no priority at all with respect to this government.

The year 1996-97 marks the most recent or the last year that we've had a report published by the Ministry of the Environment on their drinking water surveillance program. I suspect the reason we don't have those reports is because there hasn't been the staff available to do the work, to generate the reports.

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We know that in January 2000 the MOEE's office in Owen Sound was notified five times of contaminants in the Walkerton water system by labs. The ministry waited three months to follow up with the PUC and the ministry never did notify the medical officer of health of the contaminants despite the MOEE guidelines to do so, which our government set out in 1994.

The minister talked about what the ministry has done since Walkerton. He would have been better off to talk about what the ministry didn't do with respect to Walkerton, which by and large led to the terrible tragedy that occurred there.

If you look at the sheer numbers of people who have been let go from front-line staff—those are the people who would do the surveillance work on those water systems, the staff who would deal with the enforcement, who would deal with the prosecution—that tells it all because in 1995, in the operations branch of the Ministry of the Environment and Energy, there were 890 staff. By 1998, that had been reduced to 651—some 339 inspectors, enforcement officers, front-line staff dealing with the safety of our drinking water out the door, courtesy of the Mike Harris government. I think that speaks to the lack of priority this government has with respect to the environment.

More importantly, it speaks to the lack of priority they have placed in protecting our drinking water and in dealing with those who pollute. The numbers themselves tell the whole story and there's no way to deny those numbers. Those numbers and the prosecution numbers—one out of 3,300 prosecutions actually brought to court—makes it clear this government is not interested in protecting our water system. It certainly isn't interested in dealing with those people who are polluting.

It's interesting that even within the ministry, the assistant deputy minister in charge of the operations branch knew that this was going to be a problem when

the cuts were made. She issued some memos, which I understand the minister was looking for yesterday and which the minister called our office for today. He obviously doesn't have them in his own ministry.

In a memo dated May 22, 1996, she says, "As you know over the two phases of the savings plan the ministry will eliminate 752 positions, 279 of them in our division...." Page 2: "These measures will have an obvious impact on our work plan. Over the next few months we will be working on adjusting our priorities and compliance strategies to harmonize with the ministry's core business functions."

There certainly was a lot of adjusting of priorities. Safe drinking water wasn't a priority any more. Prosecutions of those who pollute our water weren't a priority any more. Compliance strategies: There wasn't much of those because there wasn't the staff to even do the investigations to ensure that people were compliant, whether they're in the private sector or municipal water systems.

That speaks very strongly to the lack of priority this government places. It's interesting that even one of the management staff, the assistant deputy minister, at that level could recognize that they weren't going to be able to do all the work they were supposed to do, given the enormous cuts to the staff who were needed to protect water in Ontario.

We're going to have a public inquiry, as well we should. I guess the Premier, after much bad publicity, had to back down and was forced into it. I'm really concerned that in the face of this government just yesterday announcing the terms of the public inquiry—I hope it will get to the bottom of what happened at Walkerton; I hope it will investigate very clearly the impact of the cuts at the Ministry of the Environment and what effect that had and will probably continue to have on water safety in this province—we now find out that the same government is now intent on privatizing water and sewage systems right across the province.

What contempt this government holds this inquiry in already, if the purpose of the inquiry is to get to the bottom of whether or not the cuts had to do with what happened in Walkerton and have to do with the other communities right now that have boil-water orders.

In the face of that, we find out yesterday that the government clearly wants to move forward on a plan where municipalities basically would have to demonstrate whether their municipally owned systems cost less and are more effective than what a private operator might provide. We know that even though the municipalities will conduct their own examinations about this over the next five years, they will be subject to a provincial audit of their decisions, and all of the rules governing the audit process will be set by the minister.

The proposal also cited my municipality because it's one that this government has forced an amalgamation on. I can tell you that in my community we're not interested in having private water, private ambulance, private sewage treatment etc. The municipal staff who are there



right now are doing a very good job to protect us, thank you very much, and we're not interested in seeing some kind of similar tragedy occur in our community.

What needs to be done? The first thing this government can do is hire back the staff it laid off. At least 900 have been laid off, and you'll recall in the last election we said, as part of our plan, that we would hire back at least 500. It won't get us all the way, but it certainly will be a much more significant start after the decimation we've seen at this ministry under this government.

Second, with respect to the water protection fund, which is due to end this year, the \$200 million this government has allocated to those municipalities that need provincial assistance to clean up, to fix, to renovate their water and sewage systems, if this government had a priority at all with respect to drinking water, they would be announcing today that they are going to continue with that water protection fund.

Indeed, in the face of the massive amount of money in terms of revenues that were unanticipated that this government got over the year, some \$5 billion, they should be announcing a major increase in that water protection fund so that those municipalities that are having trouble with their water system and are facing huge costs to do some upgrading will have somewhere to go. We've already heard, from David Lindsay himself, that the SuperBuild fund will not be a place where they can come and apply and be welcome and get money. The government has an obligation to continue the protection fund and increase it greatly.

Finally, we don't need this government to make promises it can't keep. I heard the minister here today talking about the regulations he had announced and all of the things the ministry is going to do. Do you know what? With the cuts they've had—we've already seen the effect in Walkerton—if they don't hire some more staff, they will never be able to do one thing he talked about today.

**Mr Doug Galt (Northumberland):** I rise today to speak on the confidence the members of this House have in our government, and I don't think there is any question that confidence is indeed in order.

Before I get into my presentation, I want to express my thoughts, my empathy, my sympathy for the residents of Walkerton, for those who have lost loved ones and those who have suffered. There have been hundreds if not thousands who have suffered in Walkerton over this rather pathogenic E coli, the 0157 strain, that has infected people there.

But I also recognize how amazed I am at how the people in Walkerton have pulled together to cope with this tragedy. I commend all of those, from all across the country, who have been supporting the people in Walkerton. From my riding, businesses throughout the riding are sending aid and help to Walkerton. The municipalities in Northumberland are also sending financial aid to those people.

It's interesting that neighbouring towns and cities have also pitched in with outstanding efforts. Cities such as London have offered management and staff from their

hospitals and any other form of help that is required. The city of Guelph has offered donations of bottled water, and the town of Hanover has invited residents of Walkerton for free showers and bathing facilities. These are some examples, just barely scratching the surface. Places like Bruce county, Brampton, Durham, Orangeville, Parry Sound, Kitchener, St Thomas and Waterloo have all been quick to respond with their offers of help also.

It's certainly an outpouring of concern from individuals throughout this province and I am very proud to be an Ontarian to see that, similar to the ice storm. Rather than sitting back and assuming that their city or town hall is going to do it, these individuals are doing it. They are offering their prayers, their donations of bottled water and everything from diapers to food. Many individuals have made themselves available for voluntary assistance that might be required. This is the true heart of Ontario, particularly rural Ontario. We're a tight-knit family and pull together during times of crisis.

1710

It was my privilege to be in that community last Thursday evening, not because of the announcements some of the ministers were making at that time, but I had committed two months before to speak to the Bruce-Grey-Huron-Perth-Georgian Triangle Training Board. It was quite interesting to be there and to see the support and confidence that people outside of the Walkerton area have for Walkerton. They were there in person supporting that community. It's a community that's hurting, that wants to get on with life. It's great to see companies in Walkerton, like Culligan and Tim Hortons, providing clean water for those residents.

What I find really appalling about this Walkerton situation is the feeding frenzy that it has spawned among the members of the opposition. They're turned a tragedy into a media opportunity, which is extremely unfortunate. They've done everything possible to spread misinformation and innuendoes about the events leading up to the E coli outbreak and steps that could have or might have been taken.

It's very unfortunate to hear the Leader of the Opposition criticizing and going on, but to my knowledge the leader of the official opposition has never gone to Walkerton since this has occurred. I compliment him for recognizing and asking for a moment's silence here in the Legislature, but as far as I can recall, that's the only comment he's made of empathy or sympathy—or any member of the opposition, third party or official opposition. It seems like the only thing they're interested in is taking and winning political brownie points, having little concern for the people of that community. The opposition's stance demonstrates they are morally bankrupt and not above using personal family tragedies to score cheap political brownie points.

I think it was Mark Twain who made the quote, "Get your facts straight first, then you can distort them as you please." The opposition has taken and distorted the facts before they got them and before they identified what was

right or wrong. They've just gone ahead and distorted them. Clearly, the opposition has not taken time, nor do they have any desire, to get their facts straight before they start misinterpreting and twisting them. The opposition across the floor has been flapping their wooden wings attempting to fly and not doing a very good job of it.

In the last term, I was very proud to be the parliamentary assistant for the Ministry of the Environment. I was listening to both the member for Broadview-Greenwood and also the member from Nickel Belt. I'd just like to bring to their attention a few things that were happening during their term. Between 1992 and 1995, their party eliminated over 200 positions; 208 to be exact. Then in 1994, 120 drinking water plants did not meet compliance requirements. I'm sure you'd be aware, Mr Speaker, that in 1991, of the 387 sewage treatment plants in this province, 91 plants did not meet provincial standards. That was in 1991. I'm sure you would remember that date very well.

Here are just a couple of quotes from third parties that I thought you would be interested in. The first one is from Christina Blizzard: "The party that had made so much hay out of environmental issues ended up doing very little that was positive in the five years it was in power."

Then Jeffrey Simpson—this is more current—March 3, 1999, "And the NDP's record was an abysmal disappointment to environmentalists who felt betrayed" by the Bob Rae government.

The only change that's occurred in Walkerton in the last five years has been the fact that the water being tested has been in a private lab rather than a public lab. I think it was Andrew Coyne in the Post who said that the only thing he could identify that was absolutely done properly was the operation of that lab. You would think public labs were like Utopia and the private labs were garbage. Scientists are scientists. They have ethics, whether they're in private labs or whether they are in public labs. This is not a big issue. If they think everything's wrong in private, then tell me about the trust they have of pharmacists when they go to a pharmacy. Whether it's a privately run pharmacy, one in a great, big shopping mall, one of these big box stores, or one in a hospital, which pharmacist do you trust the most? I don't think you differentiate which pharmacist you trust the most just because of the store or the building or how they get their salary. A pharmacist is a pharmacist is a pharmacist, and so is a scientist.

I don't believe for one minute the opposition's allegations that the tragedy in Walkerton is anything more than a localized event. I truly believe that if all the protocols and procedures in place had been followed, we would not be in this debate today. Similarly, I don't think the people in Walkerton would be in trouble. However, we will wait for all the studies, and I'm sure we will get to the bottom of this and will know what's going on and what should be corrected down the road.

The ministry helps municipalities develop action plans for safe water supplies. They work with the municipalities. Our government has taken action to protect against future problems. The minister has already made a move on four different regulations. We've sent advisories to municipal treatment plant operators reiterating their responsibilities for testing and examining any possibility of contamination. In all cases, independent of ownership, the operator of the facility is responsible for the testing of the quality of the water.

Just last Friday I interviewed a PUC manager of a water plant in Cobourg for my cable show. I thought it was interesting. He pointed out that chlorine is added at three points throughout the water treatment plant—and he indicated this is standard procedure—once to the raw water when it first comes into the plant, again when it goes into the settling basins, and again as it goes out into the distribution system, ensuring that there is residual chlorine still in the water when it gets to the end of the tap. So in a typical plant here's three opportunities to double-check that chlorine and make sure that it is at a proper level to kill organisms. Any one of those additions of chlorine should, in fact, do the job.

I think the opposition should be extremely pleased with the response of our government, all of the things that are happening. First, there's a coroner's inquiry. Second, there's an OPP investigation. Third, there's an MOE investigation of policies and procedures—should they be corrected? Then there's a public inquiry. We first started out with an all-party legislative committee, just as the leader of the opposition had asked for, and now we've gone to a public inquiry, just as the opposition has asked for. We've put out some \$300,000 to assist the two school boards in that area so the students can go to other schools where we know that the water is indeed safe. Last Thursday there was a multi-million dollar compensation package offered to the people of Walkerton.

We certainly feel that our government has been very responsible in offering this kind of emergency relief, on a compassionate basis, to those who became sick, to those who have lost loved ones, and of course to those businesses financially hurt by the crisis. We started out with some \$100,000 to help pay rent and some of the inconveniences, and we've moved on with more.

Just more recently, we announced that Mr Justice Dennis O'Connor will be leading the inquiry, will be the official commissioner for this, and we're bringing in amendments to the Public Inquiries Act to protect employees when they testify.

The Premier has assured us that he demands answers. We're going to get answers. This public inquiry is as broad as you could possibly make a public inquiry. The Premier has acknowledged that there's a responsibility to the victims and their families to get to the bottom of this tragedy, and we've taken decisive steps to do exactly that.

Therefore, in light of the government's response to this tragedy, I believe that our government should have the full confidence of this Legislature. I think it's also



interesting to quote to you what's being said here in the *Kitchener-Waterloo Record*, if I might, just for about a minute or a minute and a half.

"However, the province deserves credit for offering money not only to those who became sick or lost loved ones, but as emergency relief to businesses financially hurt by the crisis. Quite simply, the aid package gives Walkerton residents more choices than they had. No one has to accept the compensation. In fact, people should think carefully before making a decision because whoever takes provincial compensation surrenders the right to sue the province. This is a fair stipulation. While the government should compensate victims, it should not have to do so more than once. Nor is the government trying to evade its obligations because it will cover the initial fees for those who seek legal advice.

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"The selling point of the provincial offer is that it will get money to the people of Walkerton faster than any lawsuit. It will also get it into the hands of people who could really use it—victims—and not lawyers. This is important."

The editorial goes on to talk about the tainted blood and the hepatitis problem and how long it took with that inquiry to get money into the hands of the public. Indeed, that was a very unfortunate tragedy with the blood scandal and all the difficulties there for the people who were infected. The dollars would flow through and give them some assistance.

I see some comparison in this situation with the tragedy of an air crash and how that is followed up with a very thorough investigation. Once the investigation is completed, then various procedures and protocols are changed, if necessary; different equipment in the aircraft is changed. I see it as similar here. Once the study is completed, then we will change policies and procedures if it will help to protect people from these very pathogenic varieties of *E coli*, salmonella etc into the future, and possibly other things could be added to the water-works. Maybe a requirement for ultraviolet light or something like that might help to improve the safety of the water.

I'm extremely disappointed, in winding up, that the leader of the opposition first requested an all-party legislative committee—this was in Midland on May 26, a Friday—and then the following Monday who voted against having an all-party legislative committee but the leader of the official opposition. Obviously another flip-flop.

Here we have the leader of the official opposition pressing every emotional button you can possibly think of to get headlines in the local press, the press across Ontario. He has shown little to nil empathy or sympathy for the residents of Walkerton other than for that one request for a moment of silence.

Shame on the opposition for their actions and inaction. Shame on the opposition for the only solution they can come up with is to spend more money. Spend, spend, spend is their only solution. Shame on the opposition for trying to win political opportunity from this extreme trag-

edy. Shame on the opposition for being totally morally bankrupt. Shame on the Leader of the Opposition for continuing to flip-flop. Shame on the opposition for a total lack of empathy and sympathy for this situation.

Congratulations to the residents of Walkerton for pulling together in such a tragic event and making things happen afterwards. Congratulations to Ontarians for pitching in and helping the residents of Walkerton in this disastrous situation that they've been through.

**Mr John O'Toole (Durham):** I apologize for being a little unorganized. I didn't know the member for Northumberland was going to be finished so quickly.

I just wanted to put on the record my sense that this issue of Walkerton is something on which I know my constituents would want me to publicly say express their sympathies and concerns. Their hearts and souls are with them. That's certainly one of the things I wanted to say.

I know that this debate today is to hold the Minister of the Environment accountable, as if he isn't in question period every day. I can only say to you that the biggest question I hear that I have some problem with—as you know, I'm on the estimates committee and we did sit through some very laborious hearings yesterday. There were some very strong points made that I think need to be reinforced. I would say to you, in looking at the Ministry of the Environment's budget since we took office or perhaps for the last decade, since 1990, there are some real explanations for why those changes have occurred.

The most important thing, which I think some of the newer members on the other side should pay heed to, is that some of those changes were in the system itself. One of the staff reduction numbers that I hear floated around a number of times is clearly an explanation of the way that the ministry business is managed. The whole OCWA piece—that's the Ontario Clean Water Agency—is moving a number of people out of the ministry into an agency. The head count reduction is 900. If you look at the reductions in numbers and you aren't prepared to look at the detail behind it, you'll have a complete misconception of where and why the budget has changed and the head count in the ministry has changed. I'm going to go through a number of small points in the limited time I have left. I think you should write them down, because this is an important part, and by the questions that get asked repeatedly it appears that you're not prepared to listen.

I believe all of this is done in the most efficient way of delivering a service safely for the people of Ontario. I don't say this in a partisan way. Many of these initiatives were begun by the previous government. I believe the whole way of managing OCWA was set up by the NDP government. In 1993 it was transferred out of the ministry, with a reduction in the budget of \$435 million and 980 staff persons. As well, in 1993, the former Ministry of Energy was merged with MOE, bringing in \$55 million and 200 people. Subsequently the energy core business was moved out to the new Ministry of

Energy, Science and Technology, so that had taken dollars and staff out of the ministry.

When you look at the year-over-year reduction, it is wrong to make the direct assumption that we have reduced the service. It's my understanding, from listening to the minister's statement on record yesterday, that there are no less enforcement or investigatory people in the ministry. It's my understanding, as well, from the public accounts record yesterday—and Mr Bradley from Niagara Falls would know—that they said on the record yesterday that a greater percentage of the total operating budget is now spent on enforcement.

I think that bears repeating: A greater percentage of the total budget—I believe that's 49%—is spent on the enforcement activity within the ministry. If you look at the functions within the ministry and you look at OCWA and science and technology and the other pieces that have been moved out of the ministry, with the operating dollars that go with them and the staff head count that goes with them, naturally someone in this House could—I hate to use this word—mislead the public. But “not tell the public the whole story” is the proper way to phrase it. Clearly that needs to be on the record.

I really would say that today a critical activity has 741 staff and \$63.4 million, a decrease of about 10%, and that's the real number that needs to be dealt with. The minister's funding reduction—the total overall is 44%—must include those other services that have been decanted out of the ministry. You should write this down, Steve: 980 positions out from OCWA; 117 positions for the Ministry of Energy, Science and Technology; 56 positions transferred from the shared services—that's where they combine computers and HRM activities; 21 positions from the Niagara Escarpment—Jim, you'll be pleased that that is now at arm's-length from the ministry; 802 positions reduced principally in managerial, administration and technical positions.

What I want to say here is they have actually reduced the numbers by moving services out. If someone here wants to tell me that a scientist who's employed outside of the ministry is any less a scientist than someone who's inside the ministry, that's a debate for another day. They're qualified, professional people, and I would have nothing less than qualified, professional people.

In fairness, I believe Minister Newman brings his heart and his soul to that ministry. It has been clear in question period here that he cares about the safety of our environment and he cares about the people in Walkerton, and he should not be discredited or treated with any less dignity than any minister who's trying to work with a very troubled situation.

With that, I would be prepared to allow the member for St Catharines, a previous Minister of the Environment, or the member for Kingston and the Islands to complete the discussion.

**Mr John Gerretsen (Kingston and the Islands):** What this motion is all about is confidence, confidence in our water system. The people of Ontario have lost confidence in it. What the government should be doing, what

the Premier should be doing, what the Minister of the Environment should be doing, is one thing and one thing only, and that is to do whatever they can so that the people of Ontario will once again have confidence in the water system in this province. We haven't got it right now, and therefore the people have lost confidence in this government.

1730

**The Acting Speaker (Mr Tony Martin):** Further debate? The member for Brampton Centre.

*Applause.*

**Mr Joseph Spina (Brampton Centre):** The sound of a one-handed clap.

In the remaining time I just want to make a couple of comments. This is with respect directly to the want of confidence motion. The previous member said the government should be doing one thing and one thing only: whatever it can to resolve the issue, to restore the confidence in this province. That is exactly what this government is doing. The inquiry is there. The examination is there. The investigation by the ministry is there. There is no limit on the funds that are required to repair the situation in Walkerton.

When we want to talk about actions, we also want to talk about leadership. When the Walkerton incident first broke, what happened? The Premier and a number of the ministers, including Minister Newman from the environment went personally to Walkerton.

**Interjection:** Just like the NDP.

**Mr Spina:** The leader of the third party, Howard Hampton, was there, exactly. But who wasn't there? The Leader of the Opposition. McGuinty sat in his ivory tower. He sent his minions to Walkerton. We didn't see him anywhere. Then he has the gall to accuse this government of a lack of leadership. The leadership that I saw was Premier Harris, the Minister of the Environment, the leader of the third party and his staff who went there to personally speak with the people of Walkerton. That's leadership, not what the Liberals propose.

**Mr James J. Bradley (St Catharines):** The member is factually incorrect, of course. The Leader of the Opposition did go to Walkerton. I know he would want me to bring that to his attention.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Much later.

**Mr Bradley:** I want to say to the member it's a very difficult thing to do—if you're asking me about it, for instance—because I know you worry about exploitation of situations. I did not question anybody's motivation, but there's often a reluctance to exploit a situation by showing up there when you know the cameras are going to be there. I could have gone up the first time it broke. All the national cameras were there and so on. There's a reluctance to do that in a tragic circumstance where people have lost their lives. The Leader of the Opposition did in fact visit Walkerton. He did so, not on a public basis with a lot of fanfare, but he met with people from Walkerton on a very low-key basis and did not exploit it.



This is a non-confidence motion for a purpose. It's because we in the opposition believe that on the specific issue of the environment, this House does not have confidence in the government. If it were on the issue of who gives away the most in tax cuts to corporations—and there are some people who believe that's the right thing to do—this government would win first prize. I think you're giving \$4 billion away to corporations in tax cuts. This is a priority for this government, and some of the members have said why they believe it to be a priority. I don't believe it is a priority. I believe that we require those kinds of funds to carry out public functions which we've been elected to provide to the people of Ontario.

Sadly, Walkerton, in my view, was a tragedy waiting to happen. No one wanted it to happen. There's no one, under any circumstances, who would want that to happen. But unfortunately, when you remove the public services, when you create a crisis of confidence in public service, when you take away the staff and you take away the financial resources, then you increase the risk measurable of an incident of this kind happening. That's what happens.

This is a consequence of the philosophy behind the Common Sense Revolution, because the Common Sense Revolution essentially says that government is evil, that government should be shrunk to the bare minimum, that there should be massive tax cuts and massive cuts to investments and expenditures on the part of government. We reap the consequences of that in various ways. I believe that municipalities across this province are reaping those consequences today by being vulnerable to very difficult circumstances.

Steve Peters, the member for Elgin-Middlesex-London, brought to my attention that the St Thomas Psychiatric Hospital water is contaminated, and those people do not have it available to them. All around the province we're getting reports of this kind, and it's most unfortunate.

I would like to say to people who are thinking of visiting Ontario or investing in Ontario that the water is absolutely safe. When I've talked to business people—and I don't purport to be a business person—they tell me that when they are investing, they don't simply look at who has the lowest possible taxes; they look at what kind of health care system, what kind of public services, what kind of infrastructure and what kind of environment you have. We have made a mistake by de-emphasizing the environment to the extent we have.

Even in the latest budget we have a further cut in the Ministry of the Environment budget, now well above 40% since the Conservative government came into office in 1995. One third of the staff is out the door. You simply can't take those people away and be able to do the job.

I had the honour and privilege of being the Minister of the Environment of this province for a little over five years. I have some experience. I knew that to do the job you had to have the staff and you had to have the financial resources. That's why I've urged the Premier to

provide those kinds of funds to the present Minister of the Environment and to the Minister of Natural Resources. There's a need for investment in that important field. Having had that experience, I know how important it is to have the staff and the financial resources behind you.

The ministry has been virtually dismantled. It is disheartening to the people there; it's demoralizing. There were some quotes in a story by Susan Bourette in the *Globe* the other day that said the following:

"Ambitious civil servants have been told to avoid the environment ministry at all costs. 'It's the kiss of death for your career,' said a senior civil servant in another ministry.

"Mr McDougall"—who works for the ministry—"says workers, most of whom initially came to the ministry because they felt passionately about the environment, are beleaguered not only because many of their colleagues have been shown the door, but also because the cuts have run so deep that they feel they can no longer do their jobs."

They say that under the Tories, and for the first time in the history of the ministry, new policy directives were handed down in 1998 that essentially told inspectors to ignore public complaints and issues such as drinking water. There are many quotes in there.

If you talk to the people, they feel demoralized. These were people who were very enthusiastic at one time. I would visit the regional offices or visit various components of the Ministry of the Environment. The people had been given clout within government. Now they're told to be business-friendly. I'll tell you how you define that. When you're an officer working for the Ministry of the Environment and you're told to be business-friendly, you know you lay off business except in extreme cases. It's most unfortunate when that happens.

I know as well that within government the Ministry of the Environment has lost its clout. The Premier has rotated them. He's had four different ministers. It's hard to get a grasp on the ministry when you keep moving the ministers around. One minister had the job part-time in fact.

Then you set up the Red Tape Commission. It was re-established the same week as the Walkerton story broke. The purpose of the Red Tape Commission was to change regulations, to weaken regulations, to get rid of regulations which got in the way of business. The promise that was made by some Tory candidates, not all, in the last election was, "We're going to get the Ministry of the Environment out of your face." That was a promise that was kept.

Unfortunately, when you have these these regulations changed, onerous and unreasonable as they might appear from time to time on the surface—they're there to protect the environment. This government dismantled, changed and weakened those regulations just as it passed two bills in the House, one to weaken the approvals process and one to weaken the environmental assessment process in the province.

They closed the four laboratories. I thought they were good laboratories that we had in this province. It was essential for Ontario to have these safe laboratories. I happen to believe sincerely and honestly that, if that E coli result would've shown up at a Ministry of the Environment laboratory, the person from the Ministry of the Environment would've called the medical officer of health immediately, had the whole operation shut down and the whole town would've been notified, because they are public servants. They are accountable to the public. They're accountable to this Legislature. That's why it's important to have those kinds of laboratories available. Unfortunately, the government made a decision to close them.

If the regional, district and area offices were properly staffed, they could respond. In my own riding, I've had some environmental incidents in the last little while, including yesterday. It's very difficult for our staff locally to be able to respond to them because there are so few of them.

1740

The Provincial Auditor, totally independent of this Legislature, warned the government of problems with drinking water in this province, and those warnings were ignored. The Environmental Commissioner, Eva Ligeti, not only warned the government but was fired when she was critical of the government—fired out the door for being critical of the government, her advice ignored. She was replaced with an individual who was twice a Progressive Conservative candidate and was the president of the Progressive Conservative Association federally in North Bay, in the riding of Nipissing, the Premier's own riding. It was against the wishes of the opposition that that individual was appointed to that position.

I note as well that there are several internal documents that have come into our hands which have warned this government that these were going to be the consequences. There was a gathering in Collingwood in 1997 where they were worrying about legal defences to be mounted against exactly the kind of eventuality that happened, tragically, in Walkerton.

In January of this year there was a proposed revision to the Ontario Drinking Water Objectives document that was leaked to the opposition and to the news media because people felt strongly that these warnings to the government about the consequences of their policies were essential to be in the public hands.

The drinking water surveillance program, we are told, is still in existence. Unfortunately, it doesn't report to anybody. We've not had a report for some three years now on the drinking water of this province, so we don't know in individual municipalities what the problems are or how they are being rectified or if they are being rectified. It's absolutely essential that that information be provided by the ministry. In fact, what's happened today is that instead of the doors being opened, as they were in 1985—ordered opened; it was no longer to be the Ministry of Defence—they've reverted back, and it's even worse now in terms of providing information to the

public. Just call a Ministry of the Environment office now and see if you can get a response. Do the local employees want to provide you with a response? I would suggest they do. They have to go through many hoops today to be able to provide information to the news media or to individual members of this Legislature. That simply isn't right.

We have several environmental reports, including the Sierra Legal Defence Fund report which asked, *Who's Watching our Waters?* That pointed out that they had to get this information through a freedom-of-information request. They had to pay money and be delayed in getting information that should have been readily available from this government on discharges into our waterways—in other words, the contamination of our waterways—and how few charges have been levelled and convictions have been effected by this government, because they are intentionally being business-friendly.

We have fewer inspections taking place. I questioned the minister today in the House. I know that you cannot inspect all of the plants in Ontario before the end of this year and do a good job. It takes a minimum of a week to do a plant. It takes expert people who have certificates for doing this. It's a hands-on job. It's not just looking at the certificate of approval and saying, "Everything looks OK." It's an intricate job where you need people with expertise to do it. To suggest that's going to be anything other than a public relations exercise I think is trying to misrepresent what is happening on the part of the government policy.

We see a privatization coming of the Ontario Clean Water Agency. They bragged about it when they brought it into Walkerton. They were desperate. That's the agency they're trying to dispose of. It's on the Web site, for sale. The Premier says, "If the deal is right, we'll peddle it to the private sector." I don't think that would be in the interests of the people of this province.

I want to say that this government claims to be tough on crime. It has been soft on environmental crime in my view and should get much tougher.

The Premier promised in 1995 not to cut a penny from the Ministry of the Environment. That is in writing. That's a promise by the Premier. It reminds me of the promise not to close any hospitals. Neither of those promises has been kept, although I guess technically it has. He didn't cut a penny; he cut millions upon millions of dollars from the Ministry of the Environment.

Last, I want to say that if you ask the people of this province and the people of Walkerton—and this symbolizes this government and its approach perhaps to public protection—"Would you rather have that \$200 cheque mailed to your house as a public relations gimmick or have it applied to drinking water in this province?" they would apply it to the safety of drinking water.

**The Acting Speaker:** Mr McGuinty has moved that, in the opinion of this House:

Since the provincial government has failed the people of Ontario in its duty to protect our drinking water—which killed people and made them sick; and



Since the provincial government has failed the people of Ontario in its duty to protect our air from pollutants—Ontario's air causes 1,800 premature deaths a year; and

Since clean water and air are essential to the health and well-being of Ontarians and their confidence in Ontario's water supply and air has been shaken;

Therefore, the government no longer has the confidence of this House.

Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1746 to 1756.*

**The Acting Speaker:** Members take their seats, please.

All those in favour will rise one at a time and be recognized by the Clerk.

#### Ayes

Agostino, Dominic	Cordiano, Joseph	Lalonde, Jean-Marc
Bartolucci, Rick	Crozier, Bruce	Lankin, Frances
Bisson, Gilles	Curling, Alvin	Levac, David
Bountrogianni, Marie	Di Cocco, Caroline	Martel, Shelley
Boyer, Claudette	Dombrowsky, Leona	McGuinty, Dalton
Bradley, James J.	Duncan, Dwight	McLeod, Lyn
Brown, Michael A.	Gerretsen, John	Patten, Richard
Bryant, Michael	Gravelle, Michael	Peters, Steve
Caplan, David	Hampton, Howard	Phillips, Gerry
Christopherson, David	Hoy, Pat	Pupatello, Sandra
Churley, Marilyn	Kennedy, Gerard	Ramsay, David
Cleary, John C.	Kormos, Peter	Ruprecht, Tony

Colle, Mike  
Conway, Sean G.

Kwinter, Monte

Smitherman, George

**The Acting Speaker:** All those opposed will rise one at a time and be recognized by the Clerk.

#### Nays

Arnott, Ted	Hardeman, Ernie	Mushinski, Marilyn
Baird, John R.	Harris, Michael D.	Newman, Dan
Barrett, Toby	Hastings, John	O'Toole, John
Chudleigh, Ted	Hodgson, Chris	Ouellette, Jerry J.
Clark, Brad	Hudak, Tim	Palladini, Al
Clement, Tony	Jackson, Cameron	Runciman, Robert W.
Coburn, Brian	Johns, Helen	Sampson, Rob
Cunningham, Dianne	Johnson, Bert	Snobelen, John
DeFaria, Carl	Kells, Morley	Spina, Joseph
Dunlop, Garfield	Klees, Frank	Sterling, Norman W.
Ecker, Janet	Mariand, Margaret	Stockwell, Chris
Elliott, Brenda	Martiniuk, Gerry	Tascona, Joseph N.
Eves, Ernie L.	Maves, Bart	Tsubouchi, David H.
Flaherty, Jim	Mazzilli, Frank	Turnbull, David
Galt, Doug	Molinari, Tina R.	Witmer, Elizabeth
Gilchrist, Steve	Munro, Julia	Wood, Bob
Gill, Raminder	Murdoch, Bill	Young, David
Guzzo, Garry J.		

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 40; the nays are 52.

**The Acting Speaker:** I declare the motion lost.

It being 6 of the clock, this House stands adjourned until 6:45 of the clock.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*

## ERRATUM

No.	Page	Column	Line(s)	Should read:
71A	3701	2	42	I-TAC, Mr George Takach, author of Computer Law in

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Marie (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Beaches-East York	Lankin, Frances (ND)	Hastings-Frontenac-	Dombrowsky, Leona (L)
Bramalea-Gore-Malton-	Gill, Raminder (PC)	Lennox and Addington	
Springdale		Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiques, de la Culture et des Loisirs, ministre déléguée aux Affaires des personnes âgées et à la Condition féminine
Brampton Centre / -Centre	Spina, Joseph (PC)		
Brampton West-Mississauga /	<b>Clement, Hon / L'hon Tony</b> (PC)		
Brampton-Ouest-Mississauga	Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		
Brant	Levac, Dave (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Broadview-Greenwood	Churley, Marilyn (ND)		Gerretsen, John (L)
Bruce-Grey	Murdoch, Bill (PC)	Kingston and the Islands /	
Burlington	<b>Jackson, Hon / L'hon Cameron</b> (PC)	Kingston et les îles	
	Minister of Tourism /	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
	ministre du Tourisme	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Cambridge	Martiniuk, Gerry (PC)		
Carleton-Gloucester	Coburn, Brian (PC)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Lanark-Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Intergovernmental Affairs, government House leader / ministre des Affaires intergouvernementales, leader parlementaire du gouvernement
Davenport	Ruprecht, Tony (L)		
Don Valley East / -Est	Caplan, David (L)	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Consumer and Commercial Relations / ministre de la Consommation et du Commerce
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC)		
	Minister of Transportation /	London North Centre /	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
	ministre des Transports	London-Centre-Nord	
Dufferin-Peel-	Tilson, David (PC)		
Wellington-Grey		London West / -Ouest	Wood, Bob (PC)
Durham	O'Toole, John R. (PC)	London-Fanshawe	Mazzilli, Frank (PC)
Eglinton-Lawrence	Colle, Mike (L)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Solicitor General / solliciteur général
Elgin-Middlesex-London	Peters, Steve (L)		
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC)	Mississauga Centre / -Centre	<b>Sampson, Hon / L'hon Rob</b> (PC) Minister of Correctional Services / ministre des Services correctionnels
	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines		
Essex	Crozier, Bruce (L)	Mississauga East / -Est	DeFaria, Carl (PC)
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC)	Mississauga South / -Sud	<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children) / ministre sans portefeuille (Enfance)
	Minister of Labour /		
	ministre du Travail	Mississauga West / -Ouest	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Brenda (PC)		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC)		
	Chair of the Management Board of Cabinet / président du Conseil de gestion		
Halton	Chudleigh, Ted (PC)		
Hamilton East / -Est	Agostino, Dominic (L)		



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Minister of the Environment / ministre de l'Environnement
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	<b>Harris, Hon / L'hon Michael D.</b> (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister without Portfolio / ministre sans portefeuille	St Paul's	Bryant, Michael (L)
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stoney Creek	Clark, Brad (PC)
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thornhill	Molinari, Tina R. (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Oxford	<b>Hardeman, Hon / L'hon Ernie</b> (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parry Sound-Muskoka	<b>Eves, Hon / L'hon Ernie L.</b> (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	Stewart, R. Gary (PC)	Vaughan-King-Aurora	<b>Palladini, Hon / L'hon Al</b> (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Education / ministre de l'Éducation	Waterloo-Wellington	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Wentworth-Burlington	Vacant
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	Windsor-St Clair	Duncan, Dwight (L)
Scarborough East / -Est	Gilchrist, Steve (PC)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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**Legislative Assembly  
of Ontario**

First Session, 37<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 14 June 2000**

**Mercredi 14 juin 2000**



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 14 June 2000

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 14 juin 2000

*The House met at 1845.*

## ORDERS OF THE DAY

### PUBLIC INQUIRIES AMENDMENT ACT, 2000

### LOI DE 2000 MODIFIANT LA LOI SUR LES ENQUÊTES PUBLIQUES

Mr Flaherty moved second reading of the following bill:

Bill 87, An Act to amend the Public Inquiries Act /  
Projet de loi 87, Loi modifiant la Loi sur les enquêtes  
publiques.

**Hon Jim Flaherty (Attorney General, minister  
responsible for native affairs):** I know all members of  
the House agree that the tragic events in Walkerton must  
never be repeated in our province. We must get to the  
bottom of this tragedy, and we will not rest until we do.

As members will be aware, the government has estab-  
lished a commission of inquiry under the Public Inquiries  
Act, with Mr Justice Dennis O'Connor as commissioner.  
Justice O'Connor has been given a broad mandate to  
determine exactly what went wrong in Walkerton and  
why, and to make recommendations to ensure the safety  
of Ontario's water supply system.

We all want a full, fair and open inquiry. The Premier  
has pledged the government's full co-operation. All  
members and employees of the Ontario government will  
be directed to provide Justice O'Connor with whatever  
information or documents he requests. This is an import-  
ant point. Ministers and staff will not be invited to co-  
operate, but they will be directed to co-operate.

To dispel any hesitation employees might feel about  
coming forward, earlier this week I introduced a bill to  
amend the Public Inquiries Act. This is the measure we  
are now debating.

I believe, Speaker, there is unanimous consent for the  
following: that the time be divided equally among the  
three caucuses, with five minutes reserved at the end so  
the question may be put.

**The Deputy Speaker (Mr Bert Johnson):** Is there  
unanimous consent to divide the time? It is agreed.

**Hon Mr Flaherty:** If passed, this amendment would  
protect employees who participate in a public inquiry  
from reprisals in the workplace.

The proposed legislation would prohibit adverse  
employment actions against an employee who discloses  
information in good faith to a commission or makes  
representations as a party to a public inquiry. The bill  
would make it an offence for an employer to discipline or  
dismiss an employee who discloses information or makes  
representations to a commission. Contravention could  
result in a fine of up to \$5,000.

If passed, the bill would be retroactive to the day it  
was introduced: June 12, 2000.

It is important to note that these protections would ex-  
tend not only to employees of the government of Ontario  
but to non-government employees as well—to all em-  
ployees. This proposed amendment would make it abso-  
lutely clear that workplace reprisals will not be permitted  
against employees who come forward to an inquiry  
commission. This bill, if passed, would support the goal  
we all share of full, fair and thorough public inquiries.

In Justice O'Connor I believe we have found the right  
person to lead such an open and complete process con-  
cerning the tragedy that occurred in Walkerton. Justice  
O'Connor, as members of this place know, is a sitting  
judge of the Ontario Court of Appeal, the province's  
highest court. He has been on the appeal bench for two  
years. His in-depth and varied legal background, includ-  
ing work in smaller Canadian communities and more  
than 20 years of practice with major law firms, makes  
him an ideal choice for this challenging assignment.

To enable Justice O'Connor to get to the bottom of the  
tragedy at Walkerton, the government has established  
comprehensive terms of reference for the inquiry. The  
terms of reference give Justice O'Connor a broad man-  
date to examine all relevant matters to ensure the safety  
of Ontario's water supply system.

Under the terms of reference, the commission is to  
inquire into the following three areas: first, the circum-  
stances that caused hundreds of people to become ill and  
several to die at a time when E coli bacteria were found  
in the Walkerton water supply; second, the why, the  
cause of these events, including the effect, if any, of gov-  
ernment policies, procedures and practices; third, any  
other relevant matters the commission considers neces-  
sary to ensure the safety of Ontario's drinking water.

As a further measure to ensure a full, open and fair  
inquiry, the terms authorize the commission to make rec-  
ommendations on funding for parties who have standing  
but would not be able to participate without financial  
assistance. The government will accept and follow these  
recommendations so that parties will have a fair oppor-



tunity to participate in the examination of issues that affect them.

We know from past experience that public inquiries inevitably take time, and determining legal liability through the courts takes time. We also know that for many people in Walkerton the need for compensation is urgent, regardless of who's at fault. We want to do all we can to help the people of Walkerton.

That's why, as part of the government's comprehensive response to the people of Walkerton, my ministry is setting up a compensation initiative to offer financial payments to people who got sick or lost a family member. This is not emergency assistance. There is emergency assistance available now through the Brockton Response Centre, which is open and functioning day after day in downtown Walkerton. What we are proposing is an alternative dispute resolution mechanism whereby, for individual compensation, people who have suffered harm, families who have lost a loved one, will be able to obtain compensation faster, to bring closure to this tragedy and let them get on with their lives.

This is not about money. The amount of money cannot of course compensate for pain and suffering, let alone the loss of a loved one. However, our courts recognize there should be compensation for pain and suffering and other losses and we want to speed up the process so people can rebuild their lives.

People who were hurt, either directly or indirectly, may not want to go through the adversarial process of a court case. We can offer them an alternative that is quicker, simpler and friendlier, one that is designed to offer them the same level of compensation they could expect to receive in the courts. Our priority is to address the needs of the victims in as timely and as painless a manner as possible.

Compensation will be offered in the following areas, as it is in the court system: for pain and suffering; for lost income, including future lost income; for past and future health costs not covered by OHIP, if there are any; and a family's loss of care, companionship or guidance.

The way it will work is that applicants will file claims for compensation. This week in Walkerton we have Ministry of the Attorney General people there taking information at this time from people who have a claim to advance. The next stage will be the formal application, and then the claims will be assessed by an independent professional with expertise in the area of compensation. We will offer mediation of claims before an impartial mediator to try and achieve a mutually agreeable solution.

We know from experience in the civil justice system in Ontario in recent years that mediation has a remarkable success rate. I dare say part of that is because mediation gives individuals the opportunity to sit around a table in an informal atmosphere and speak for themselves, with or without counsel present, as they choose, and to explain directly to a mediator exactly what has happened to them and to their family members as a result of this tragedy at Walkerton. So that's mediation.

If mediation doesn't resolve the claim, the claimant can move on to binding arbitration, again by a neutral third party. Arbitration will be timely and simplified. If the mediation, as I said earlier, doesn't resolve the claim, instead of going to binding arbitration the individual can always go to the courts system. It's available and funded by the taxpayers of Ontario. It's there for those who choose to go that route.

To ensure potential claimants have the advice and the information they need to understand the process and their rights, the government will provide free initial consultation with independent legal counsel. This will help potential claimants weigh their legal options, and it's important. When I was in Walkerton last Thursday night speaking with individuals, with business owners and so on, people had lots of questions about this process.

They wanted to have their own say and they wanted, quite frankly, an alternative to a long-drawn-out, fault-driven court system. This isn't about fault. Fault will be discussed, I'm sure, in courts and other places down the road years from now, and there may be appeals and so on. This is about getting compensation to people on a timely basis through a process in which they can be directly involved.

But it's important that people have independent legal advice so that they are satisfied, having had professional advice, about the choice they make, and the choice belongs to the people in Walkerton.

Our process will not determine that issue of legal liability. That's for the courts to decide. But those who have experienced suffering or loss should not have to wait to have access to fair compensation.

There will be plenty of time for determining responsibility later. Right now we should focus on compensation and on compassion for those who have suffered. There is nothing political about helping human beings cope with tragedy so that they can get on with their lives. It is simply the right thing to do.

As the Premier has said, our government is committed to assisting the people of Walkerton in any way possible. Our response involves action by several ministries. This compensation initiative is part of that commitment.

The Premier has also made it clear that we must get to the bottom of this tragedy so that no other community has to experience what Walkerton has gone through. With a distinguished commissioner and broad terms of reference, I am confident we now have in place a process that will get the answers we all seek. Let me say again that Bill 87 will support the process of getting those answers. I therefore urge all members to give it their utmost consideration.

**Mr John Gerretsen (Kingston and the Islands):** I appreciate the words the Attorney General has just spoken. I think the people of Ontario should clearly understand that the bill we are dealing with tonight does not deal with the compensation issue. On the other hand, I think it's extremely important for the people of Walkerton and the surrounding area to know exactly what the

compensation proposal is that the government has in place.

The one question I have, and I know our process doesn't quite lead to that, but as the Attorney General well knows—he's a man of some renown within legal circles—and as I've certainly found out in my own practice over the years, is that the question of compensation normally is only addressed once all the damages in a particular matter have been identified.

We can all understand, those of us who have been in business in one way or another, that there may well be situations where individuals may have suffered severe losses, either in a business or in their own home environment, and all of the damages currently may not be known. As a matter of fact, the loss of business, for example, in the case of a business, may very well go on for a long period of time after this, because nobody quite knows when the water situation will be resolved in the Walkerton area.

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So although the Attorney General makes it sound as if everybody can now come to the table and, through either the mediation or the arbitration process, get just compensation, the real question I have of him—and perhaps there could be unanimous consent that he could answer this—is, will there be interim payments made to, let's say, businesses that are out a substantial amount of money over the last six to eight weeks? Usually in cases like this, once you've settled with the mediator or once you've settled with the arbitrator or once you've got a judgment or a settlement through the court system, that's it. Obviously, anyone who has had damages as a result of what's happened in Walkerton may not be able to identify all those costs at this point in time.

Contrary to public belief, this is one of the reasons it quite often takes a long time for court actions to be settled, because there's no sense in settling, whether you go through court or a mediation and arbitration process, while the damages are still accruing.

Is the Attorney General saying that businesses or people who have been otherwise affected in the Walkerton area can now at least get an interim payment towards the ultimate compensation they're going to get? That's what the people really want to know.

I agree that the process of mediation and arbitration may be much more preferable to full-drawn court cases and court battles that may go on for years and years. On the other hand, to make it sound as if all these people can just settle at this time, using the process he has created—have those people given up rights to future damages that may be flowing out of what's happened in Walkerton? Hopefully either he or his parliamentary assistant will be given the opportunity to answer that at some stage this evening.

The act we're dealing with tonight is a very simple amendment to the Public Inquiries Act and really doesn't deal with the compensation issue. Again, although I appreciate what the Attorney General has said on that

matter tonight, that's not what we're here to discuss tonight.

The act simply has one suggested amendment to it, and that simply states this:

"No adverse employment action shall be taken against any employee of any person because the employee, acting in good faith, has made representations as a party or has disclosed information either in evidence or otherwise to a commission under this act or to the staff of a commission."

That is the sole section that's being added, and then there is a penalty clause in the event that somebody contravenes that section.

It should be clearly understood that we're not just talking about the Walkerton situation here. I know that's why this act is being amended, to deal with the situation in Walkerton right now, but it's a permanent change, as much as anything can be permanent in this place, to the Public Inquiries Act and will deal with any inquiry in the future as well.

We think it's a step in the right direction. What we on this side don't understand and the issue I have some problems with is, why don't you simply proclaim part IV of Bill 117, which was passed in a previous Parliament before most of us were here, prior to 1995, that dealt with whistle-blower protection? Whistle-blower protection should apply to anyone, not just employees of the crown but to anyone who can provide information where they feel, justifiably so, that the government is on the wrong track, that the government has in some way been guilty or that there's been serious government wrongdoing. That can happen in a number of different ways and it doesn't necessarily have to come from government employees.

Bill 117, the omnibus bill passed during the NDP government days of 1993—for some reason, the whistle-blower protection part of that bill, part IV, has never been proclaimed. What we're asking is, why don't you proclaim that? That will give everyone even greater protection than what's currently proposed by your amendment under the Public Inquiries Act.

The other thing Bill 117 would do is create a new officer of the assembly, much like the Ombudsman we currently have, like the Environmental Commissioner, like the Provincial Auditor, like the Integrity and Privacy Commissioner. They are officers of this assembly. They are not government employees; they work for us, collectively, here and they report on an independent basis within the areas of their jurisdiction. The suggestion in Bill 117 is that a similar officer be appointed to whom individuals, particularly government individuals, can go to get that independent advice. That's the suggestion that was made in Bill 117, that a new officer of the assembly be created similar to the Integrity Commissioner, whom the employees can consult and through whom the information can be made public. Why isn't the government doing that? There's absolutely no reason that couldn't be done at this stage as well.



But let me say that we are pleased that, first of all, the government took our advice and initiated the public inquiry into the Walkerton matter. We all know that for a week or so after the events occurred there, the Premier basically stonewalled the situation and said, "No, a legislative committee," in which the majority of the members are government backbenchers, "will look into this matter." Then, as a result of public pressure out there and as a result of the pressure we put on the government, he decided on a public inquiry. We then suggested as well that some sort of protection had to be put into the legislation to protect our employees who may have information about some of the serious wrongdoings that the government may or may not have been involved in in the Walkerton situation, particularly within the Ministry of the Environment, but other ministries as well. That was stonewalled for a while, but the government has now decided to put that into this legislation as well by way of the amendment to the Public Inquiries Act. So we're pleased about that.

But we really feel that our employees—who work for all of us, not just for those of us here within the Legislative Assembly but for all of the people of Ontario in one way or another—ought to be given even greater protection. The only way to do it is by establishing an individual who is much like the other officers of this assembly, to whom individuals, particularly those who work for government, can confide if they have information where they believe the government is doing serious harm to the general public.

Those are the points we want to address. For the benefit of the people of Walkerton, particularly those people who are out money and where damages have resulted as a result of the occurrence there some three or four weeks ago, I would really like to know the answer about whether or not the government, through this mediation and arbitration process, is prepared to look at interim payments. I can assure you that these people simply aren't in a position to calculate the full extent of the damages that have occurred to them. They will only find that out once their businesses are up and running again and once the water system within their community has been totally rectified and has been declared safe and the water drinkable by everyone concerned.

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**Mr Peter Kormos (Niagara Centre):** I'm going to speak to this bill for some brief moments. Howard Hampton, the leader, will be speaking on behalf of New Democrats, so I would encourage people who are watching to stay tuned for Mr Hampton. He'll be speaking to this and the Walkerton matter very, very shortly.

Howard Hampton, of course, has been at the forefront of this matter since the tragedy in Walkerton erupted, with at least seven deaths and possibly as many as 11 attributable to the contamination of Walkerton's water system, and thousands of people seriously ill. We're not talking about being ill just overnight; we're talking about serious illness with the risk of lifelong injuries as a result of drinking tap water.

This isn't some Third World country. This isn't some primitive backwoods. This is one of the most prosperous jurisdictions in the whole world, where the public, over the course of decades and generations, had built public institutions, had invested in them and had trusted them. It's the province of Ontario, the last place in the world where one would expect to die or risk death or suffer serious and possibly permanent injury by drinking the tap water.

The people of Walkerton and the people of Ontario—because this is no longer just a Walkerton issue, and that was pretty clear within almost hours of this epidemic of death. It's no longer just a Walkerton issue; it's now a province-wide issue. It's an issue about whether the people of Ontario, whether our kids or our parents or our grandparents, can safely drink tap water, and not because of some unforeseen catastrophic event, not because terrorists had poisoned the water system, not because some act of God had intervened to create circumstances that were entirely beyond our control. Ontarians had invested in safe, clean drinking water over the course, as I told you, of decades and generations and are prepared to continue to invest in it so that the simplest of things, that matter of simply turning on the tap and drinking the water, doesn't have to entail the risk of death.

I put to you that this government changed the ground rules in the province of Ontario. We all know it's dangerous, reckless, to speed along in your car at 140 kilometres an hour. People who do that ought to have some knowledge of the level of risk they're assuming. Lawyers have a name for that, don't they, Mr Bryant? *Volenti non fit injuria*. People know that if you're going to go out, oh, skydiving—and please, skydiving is a very disciplined sport and activity, but it's a little bit of a high-risk activity. People know that climbing huge mountains entails some risk. Reasonable people know this, fair-minded people know this. But what Ontarian would ever have thought that they could risk their lives, or the life of a child or a grandparent, by drinking the tap water?

In this Harris Ontario of tax cuts, of the termination of 900 staff people from the Ministry of the Environment over the course of the last four years—900 staff people from Ministry of the Environment out the door, and a huge chunk of these people were the very people engaged in regulation and enforcement; the Ministry of the Environment gutted to the tune of 900 staff members. What, over \$1 billion, Mr Baird, stripped from the Ministry of the Environment? Nine hundred jobs gone, many of those jobs those very people who accepted as their responsibility the testing of water, the supervision of municipal water supplies, the assurance of safe drinking water. At least seven dead, as many as 11. This wasn't a plane crash. This wasn't a train derailment. It's hard, and I'm hard-pressed, to describe this as a mere accident—but you and I appreciate that that's the purpose of the inquiry, isn't it?—whether it in fact should more appropriately be described as an act of negligence, wilful negligence, the level of negligence that resulted in the

deaths of innocent Ontarians, the deaths of little kids and of seniors.

In view of the time frame of this tainting—poisoning—of the water of the community of Walkerton, and in terms of where Walkerton is and the route you travel going through there, I wonder how many people throughout North America who were motorists perhaps—think about it—from Ohio or Pennsylvania or perhaps Manitoba or New Brunswick are at risk now by virtue of having done something so simple as stopping at a roadside food spot and having a glass of local water with their cheeseburger and fries or whatever it is.

This isn't to diminish in any way whatsoever the catastrophic impact this has had on families in Walkerton, on those individuals whose lives were torn from them, but just think, had the governmental negligence impacted not on small-town Walkerton but on Hamilton or London or Toronto or Ottawa, there wouldn't be seven deaths, there would have been 700 or 1,000 or more.

The inquiry and the scope of the inquiry surely has got to be about more than just Walkerton. Since May in Walkerton, almost on a daily basis we hear of community after community after community with boil-water orders.

If a Premier whose first response was to blame the previous government until the little spin doctors and spinmeisters and the public relations people set him straight—let me tell you a story about blaming the previous government. When Mr Harris took power in 1995, the previous Premier left three sealed envelopes on his desk: number one, number two and number three. Premier Harris was intrigued and he called the former Premier and said, "What are those?" The former Premier explained, "This is what my predecessor had left to me and I, in turn, leave them to you." He explained, "In the event of the government's first crisis you open envelope number one, in the event of the second crisis you open envelope number two, and on the occasion of the third crisis for your government you open envelope number three." Well, the Premier couldn't control himself. He felt obliged to open the envelopes. In envelope number one, the first governmental crisis, it said, "Blame the previous government." Premier Harris opened envelope number two, the second governmental crisis. It said, "Blame the federal government." He then opened envelope number three, and the advice contained in envelope number three was, "Prepare three envelopes."

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The people of Ontario, have heard the Premier of Ontario blame the previous government to no avail—because, quite frankly, his blame in this instance was the most pathetic effort to simply distract the people's attention away from this government's responsibility to provide clean, safe drinking water to the people of Ontario. On a weekly basis, oh, a daily basis, this Premier will blame the federal government. He doesn't recall his advice to his predecessor government of "Stop whining." That's what Mr Harris used to say when he was over here when the previous government had concerns about the

cutback on transfer payments to the province of Ontario: "Stop whining."

Well, I'm afraid Mr Harris has exhausted the contents of envelopes number one and number two and he's now confronted by envelope number three. He's got a Minister of the Environment who was thrust into the job of Minister of the Environment without having a great deal of parliamentary experience—no disrespect—thrust into that position to find a ministry that's been gutted, stripped of its staff, stripped of its budgets, that is no longer capable of policing drinking water here in Ontario, a minister who's so new and so alien to the inner circle that he's obliged to read the script served upon him on a daily basis by the Premier's office. The minister is being very much hung out to dry, I suspect, because we have a Premier who will sacrifice anybody rather than accept responsibility for his very specific, very personal agenda of cutting away and stripping those services and those institutions in Ontario that had historically protected the people of Ontario from tainted, poisoned drinking water.

We look forward to the inquiry, but we know that the inquiry itself is going to be a lengthy process. We were disappointed with the terms of reference. Mr Hampton, on behalf of the New Democrats, had prevailed upon the Attorney General and the Premier on a daily basis to ensure that the terms of reference included a direction to the commissioner, Mr Justice O'Connor now, that there be a speedy interim report. Those things can be done, you understand. If you're going to do the responsible thing, I say to this government, if you are going to mitigate and perhaps save the lives of some Ontarians whose well water, whose lake water, whose river water, whose spring water may have E coli percolating through it at this very minute, I suggest to you that the terms of reference be amended promptly to require that that commissioner release a speedy interim report, so that the people in this Legislature, people across this province, the people of Walkerton, the people in any number of communities, small and large, here in the province of Ontario can begin to understand what I suspect they'll be told, and that is that the downloading on to municipalities and the stripping, the evisceration of the Ministry of the Environment played no small part in the poisoning of at least seven people of Walkerton to the extent that they died and the poisoning of thousands more to the point that they may suffer permanent, irreparable damage to their bodies—permanent, ongoing symptoms. My God, people go to jail for doing that to other people.

The people of Ontario have a right to see this commission serve as something more than simply a temporal buffer for the government. Do you understand what I'm saying? If the commission performs long enough—and I'm not suggesting that they won't or shouldn't, because I'm suggesting to you that there's a huge amount of evidence that the commission will feel obliged to consider and hear before it reaches its final conclusion. But I am very fearful of this government exploiting this commission to simply buy a huge amount of time, to the point where perhaps a few highways can be paved and a



few bridges built—I suppose in more than just literal ways—and to the point where the impact of this slaughter of innocent people in Walkerton will have diminished. But I'm confident of the people of Ontario.

Look, don't you folks understand? People are afraid out there. People are afraid in every community of this province. Drinking tap water is accompanied by more than a small amount of anxiety, because people understand that if the province can let it happen in Walkerton, the province can let it happen in Welland or Thorold or Pelham or St Catharines. The E coli was tasteless, had no odour, was invisible to the eye—deadly. People died, people who weren't racing sports cars or high-speed cars on racetracks, people who weren't parachuting, people who weren't climbing mountains, engaging in any other number of high-risk activities—people who were drinking tap water.

We'll support the amendments to the Public Inquiries Act. We would also, at the same time, call upon this government to bring to the Lieutenant Governor the legislation passed in 1993, which does everything this amendment does but extends it beyond the participation in public inquiries, public commissions. We ought to be encouraging whistle-blowing at every level and in every context, not just in the context of a public inquiry, not just in the context of that formal process. If this government's negligence in their downloading and their cutting of not just a dozen staff but hundreds and thousands of staff people in any number of ministries killed seven people, possibly 11, in Walkerton, similar cuts, similar elimination of whole departments in other ministries—the Ministry of Agriculture, the Ministry of Natural Resources—can result in similar catastrophes.

I spent some time this morning over at the Toronto Youth Assessment Centre, right beside the Mimico Correctional Institute—Mr Levac for the Liberals was there as well—and joined correctional officers and their friends in an informational picket, as I've joined them on a weekly basis, almost, over the course of several months now, talking to the community about the risks of the privatization of corrections. This government doesn't seem to want to learn from even the hardest of lessons. How many more Walkertons do you need? My God, in the light of Walkerton you announce that you're going to demand, insist that municipalities privatize, turn over, hand over, sell off their water systems and sewage systems to the corporate sector so that the corporate sector can make money with them. Within days of Walkerton you announce your plans, à la Hydro deregulation.

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Hydro deregulation? Listen to me, my friends. The city of St Catharines just announced that it's seeking a 14% increase in residential hydro rates. Thank you very much to Mr Harris and the Conservatives for their deregulation and their privatization of hydro and electricity in this province. And we will be hearing, from across this province, from community after community which has undergone a privatization of their services where the new costs will be not just 14% but 20%, 25% and 30% higher.

You folks have seriously misread the province of Ontario with your privatization agenda. You've seriously misread the people of this province. I'll tell you once again, Ontarians, over the course of generations and decades, at great sacrifice, have built neighbourhoods and communities and have invested in them and have built public water supply systems and public supervision of those systems, public sewage systems and public supervision of those systems, utilizing municipal and regional and, yes, provincial governments.

The role of the government of Ontario is to serve the people of Ontario. The role of the government of Ontario isn't to crawl into bed with the corporate sector and the Bay Street boys and, more so than the Bay Street boys, the Wall Street boys, the American corporate interests that see huge profits to be made here in Ontario. Let's understand: The corporate world has one interest, and that's to make money. I tell you, at the same time, this government has one interest, and that's to hand over the assets of the people of Ontario to their corporate buddies so that those huge profits can build and build—and, quite frankly, not build here in the province of Ontario. We don't have a brain drain in this country and in this province as much as we have a money drain, a profit drain. This government isn't content with what will amount to billions of public dollars being spent on billions of private profits. It also wants to open the sluice gates so that those profits flow south into the United States and those profits don't even remain here in this country of Canada, never mind the province of Ontario.

This public inquiry and the evidence that will be delivered before it on a daily basis will continue to shock the people of Ontario, will continue to reveal to them the negligence of this government as it has gone about its role, with such great pleasure, of slashing and cutting.

Please, to the Minister of the Environment and to the Premier, if you want to take credit for getting monies back into the Ministry of the Environment promptly so they can rehire those staff who perform the job of keeping water safe, feel free to take credit for it. Just do it before more people die.

**Mr Gerry Martiniuk (Cambridge):** I am most pleased to join in debate on second reading of Bill 87, the Public Inquiries Amendment Act, 2000. I have not had the opportunity to do so, and I know it's belated, but I, on behalf of all the constituents of my riding, consisting of Cambridge, south Kitchener and North Dumfries, extend our condolences to the people of Walkerton who have suffered through this tragedy.

What happened in Walkerton is a tragedy that must not be repeated. That's why it is so important that we have a full, open, public inquiry review as to what went wrong and why, and that we make recommendations that will avoid similar tragedies in the future. The people of Walkerton demand and deserve answers. The Ontario public demands and deserves answers. Premier Harris, his government and all members of this House want answers to these questions.

I know all members of the House are delighted that Justice Dennis O'Connor, an eminent jurist and a member of our Court of Appeal in Ontario, has agreed to accept an appointment to a commission of inquiry under the Public Inquiries Act. Justice O'Connor has been given a very broad mandate to inquire into all matters relevant to the safety of Ontario's water supply. We have now established a process that will enable us to get to the bottom of this Walkerton tragedy and to restore the public's confidence in Ontario's water systems.

As Premier Mike Harris has already pledged, this government will co-operate fully with the inquiry. All members and employees of the Ontario government will be directed to furnish Justice Dennis O'Connor with whatever information or documents he requests. This is an important point. Ministers and staff will not be invited to co-operate; they will in fact be directed to co-operate.

In addition, the Attorney General has proposed legislation that would protect employees who participate in any public inquiry. If passed, this law would prohibit employment-based reprisals for disclosing information in good faith to a commission established under the Public Inquiries Act. In particular, the proposed amendments to the Public Inquiries Act would, if passed, protect an employee who in good faith discloses information to a commission or makes representations as a party to a public inquiry. It would make it an offence for an employer to discipline or dismiss an employee who engages in one of the above activities. The penalties for contravention could result in a fine of up to \$5,000.

This act would apply effective June 12, 2000. It is important to note that these protections would extend not only to Ontario government employees but to non-government employees as well. We all want answers, and we are committed to getting to the bottom of this issue. I encourage all members of the Legislature to support this important legislation and I ask for their co-operation in ensuring quick passage.

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Justice O'Connor is a sitting judge on the Ontario Court of Appeal, the highest court in our province. He was appointed to the appeal branch in 1998. His in-depth and varied legal background, including work early in his career in smaller Canadian communities, makes him an ideal choice to conduct an open, fair and thorough inquiry.

Mr Justice O'Connor's qualifications are impressive, encompassing more than 20 years of practice with a major law firm, service as a provincial court judge in British Columbia, acting on behalf of various federal and provincial governments, including as chief federal negotiator for the Yukon Indian land claim in the early 1980s, and more than a decade of teaching law. We are delighted that Mr Justice O'Connor has agreed to act as commissioner.

We also appreciate the co-operation of the Honourable Roy McMurtry, Chief Justice of Ontario, for releasing Justice O'Connor from his court duties so that he can take on this crucial role.

The government has adopted comprehensive terms of reference for the public inquiry, giving Justice O'Connor a broad mandate to examine all relevant matters to ensure the safety of Ontario's water supply system.

In drafting the terms of reference, the Attorney General consulted Walkerton residents and the two opposition parties, as well as Justice O'Connor and Chief Justice McMurtry of the Court of Appeal. His aim was to see that the commission has a free hand to get to the bottom of this tragedy.

Under the terms of reference, the commission is to inquire into the following areas: the circumstances which caused hundreds of people to become ill and several to die at a time when E coli bacteria were found in the Walkerton water supply; the cause of these events, including the effect, if any, of government policies, procedures and practices; and any other relevant matters the commission considers necessary to ensure the safety of Ontario's drinking water.

The terms also authorize the commission to make recommendations on funding for parties with standing at the inquiry who would not be able to participate without financial assistance. The government will accept and follow these recommendations.

Let me quote from the statement by Justice O'Connor concerning his mandate. He says: "I have reviewed and been consulted with regard to the terms of reference for the inquiry. I am satisfied that they will enable me to carry out a full and thorough inquiry into the causes of what happened in Walkerton—including the effect, if any, of government policies, practices and procedures—and the implications for the safety of drinking water in Ontario, in order to make recommendations to ensure the safety of the water supply system in Ontario."

Justice O'Connor continues: "I am satisfied that I have sufficiently broad powers under the terms of reference and under the Public Inquiries Act to carry out this very wide mandate."

We know that the people of Walkerton and the Ontario public want to know when the inquiry will begin. Justice O'Connor has indicated that within a period of 30 to 60 days he will develop a work plan and a tentative schedule for hearings. He will then be in a position to announce when the public hearings will be scheduled.

We know from past experience that public inquiries inevitably take time, and determining legal liability through the courts also takes time. We also know that for many people in Walkerton the need for compensation is urgent, regardless of who's at fault. We want to do all we can do to help. That's why, as part of the government's comprehensive response to the people of Walkerton, the Ministry of the Attorney General is setting up a compensation initiative to offer financial payments to people who got sick or lost a family member. Our goal is to get financial payments to people quickly through a timely, out-of-court process that includes mediation and arbitration.

As many of the members may be aware, the use of mediation and arbitration is increasingly common in civil



matters in Canada and across North America. These processes have been found to lead to quicker compensation with lower legal costs for the claimants.

The ministry's initiative will offer individuals the option of a quick and simplified process as an alternative to seeking compensation through the courts. This will not only be a faster process; it will be a fair process. Claims will be assessed on the same basis, using the same factors and criteria, that they would in a court of law.

This initiative is a compassionate response to provide compensation for physical injury and death and their consequences. It is not about money; it is about doing the right thing. The government and the public of Ontario want to do the right thing for the people of Walkerton.

Compensation will be offered in the following areas: pain and suffering; lost income, including future income; past and future health costs not covered by OHIP; and a family's loss of care, companionship or guidance.

Applicants will file the claims for compensation. The claims will be assessed by an independent expert. The claimant can then accept the assessment or move to mediation with an impartial mediator. If the mediation doesn't settle the claim, the claimant can move to binding arbitration, again by a neutral third party. Arbitration will be timely and simplified. Or, if the mediation doesn't lead to a resolution, a claimant can leave the process and consider filing a claim through the courts.

Again, let me say that people in Walkerton should not have to wait for years to get compensation for losses they have suffered. This initiative is designed to address these pressing needs.

I also stress that this is not an admission of liability. Questions of liability are for the courts to decide. Now we should focus on compassion for the victims.

To ensure potential claimants have all the information they need, government will provide a free initial consultation with independent legal counsel. This will help potential claimants weigh their legal options.

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As the Premier has said, our government is committed to assisting the people of Walkerton in any way possible. Our response includes actions by several ministries. This compensation initiative is part of that commitment.

As I have said before, the victims and their families demand answers, the people of Ontario demand answers and the government demands answers. The Premier has pledged the government's full co-operation. We all want to get to the bottom of this tragedy.

We have a distinguished commission with broad terms of reference for an open and thorough public inquiry. If this bill is passed, we would have protection for the employees who choose to participate in this inquiry. With these pieces in place, we will have created a process that will get the answers we all seek.

**Mr Michael Bryant (St Paul's):** I want to direct most of my comments to the legislation before the House right now, but I would be remiss, given the discussion in this House on this debate today, not to add my voice to all those whose thoughts and prayers are with the families in

Walkerton. Obviously we, the official opposition, wish to get to the bottom of this through the public inquiry. We look forward to the commission starting as soon as possible under Justice O'Connor and hope that the commission, again, will not be used as a shield in this House from holding the government accountable, in question period and otherwise. That's not the purpose of a commission.

I would add that the commission and the appointment of the commissioner, and this commissioner in particular, remind us all of the importance of the independence of the judiciary and how critical it is that we have three separate branches of the state: the executive, the front benches here which administer laws; the House itself, the Legislature—we pass the laws here; and the judiciary, which interprets the laws.

In addition to their role as interpreters of what we pass here in the Legislature, from time to time sitting judges and sometimes retired judges are called upon by the Attorney General provincially, federally, or otherwise called upon by the crown, to fulfill the role of the independent arbiter. The point of it is to find somebody who is beyond reproach, somebody about whom people will not say, "Well, that's a government representative," or "That's an opposition representative." No, it's an independent arbiter, hearkening back to the notion that justice is blind. Justice does not know class or race or creed or politics. That's why you can't look in the eyes of the statue of justice, *Justitia*; she's blindfolded.

I would be remiss if I also didn't remind the House of our opposition to the Judicial Accountability Act, which in my view represents both explicit interference and benign interference with the judiciary. I don't want to take any more time on that point. The importance of the judiciary is emphasized—we're reminded of it at these times. We look forward to this independent commissioner getting on with the commission as soon as possible.

The principles at issue here with respect to this legislation, the so-called whistle-blower legislation, are obviously an effort to balance the interests of free speech on the one hand and the duties of civil servants, and in particular the oath of secrecy they all take, on the other hand. We have a tradition in our nation of free speech rights—not absolute, but qualified—entrenched in our Constitution. Some have said they were entrenched in our Constitution even before the Charter of Rights and Freedoms was patriated in 1982. Under the unwritten Constitution, through the BNA Act, 1867, there was a suggestion, because of the importance attached to this right, that this nation enjoyed that as a constitutional right. Now there's no doubt under section 2(b) that free expression is gained as an absolute protection under the charter subject to limits under section 1.

So on the one hand, the argument goes, civil servants should be able to speak freely and advise the public of what's going on in a ministry. On the other hand, there's the very important principle of confidentiality. Of course for all employees there's in fact a loyalty, a principle of confidentiality, which is in our common law, which is in

the jurisprudence, and they have a duty to keep matters confidential.

So where do you draw the line? Where do you say that the employee should or ought to speak? Where is the ethical duty and where is the legal duty? But more important, in instances such as the matter we're discussing tonight, at what point can public servants speak up without fear of criminal sanction, without fear of civil sanction, without fear of demotion? It's not a simple question, obviously; it's a complicated one. It has come to light as a result of this tragedy, but it's not the first time it has been debated. As many members know, we've had a bill which was passed but not proclaimed in this House. We've also seen legislation in other jurisdictions. The United States was one of the first nations to bring forth—

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Mr Speaker: My apologies to the speaker. The general government committee is authorized to sit until 8 o'clock this evening. I've just been advised that they have some business that they'd like to complete. I'd like to ask for unanimous consent from the House to allow that committee to sit until 9 o'clock.

**The Deputy Speaker:** Is it agreed? It is agreed.

My apologies as well to the member for St Paul's.

**Mr Bryant:** We know the United States brought forth the first whistle-blower legislation—I can't remember the exact date—and it was updated again in 1989. The United Kingdom did not even consider having whistle-blower legislation for a variety of reasons until the Blair government came in, and even right now we don't have any legislation in that nation similar to what exists in the United States. Then this province had a bill, which I'm going to discuss in a moment, that was never proclaimed.

There have been many who have said in the past how important it is to give civil servants the opportunity to fulfill their duty to the public, to ensure that their ministry, their government, the crown, is conducting itself in an honourable manner. Yes, there's an oath of secrecy, which I want to talk about in a moment, but there is also an obligation as a public servant at times, in very rare circumstances, to stand aside from that obligation of confidentiality and loyalty to the minister and provide the public, in a legal way, in a straightforward way, with information without having to put it in a brown envelope and drop it off.

The oath of secrecy in Ontario is set out under the Public Service Act. It's an oath of confidentiality not to disclose any information other than that which is legally authorized. The oath that is taken reads something like this: The person swears that they'll faithfully discharge their duties and observe and comply with the laws of Canada and Ontario, except as legally authorized. This is what the civil servant must say: "I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant." This is an absolute requirement of secrecy. There is no reasonable limit imposed upon this absolute requirement within this act, so one has to look to

other legislation in order to get some relief from that absolute oath of secrecy. Where do you go?  
2000

Why would we set up such an absolute oath of secrecy? It's part of the Gladstonian tradition of the disinterested public servant who will serve a Conservative government, a Liberal government, an NDP government, who can remain in that office as a non-partisan civil servant notwithstanding the change of government. That tradition of the disinterested public service may be one of the single greatest gifts to our parliamentary system in the 20th century. We always have concerns about partisanship at certain levels, but the civil service is not supposed to be partisan. We know that; we accept that. That's one of our traditions here in Ontario, borrowed from the United Kingdom.

The concern is that some civil servants don't want to be known as with "the enemy," nor do they want to be known as somehow with the government of the day in the sense that ideologically "they're one of us." The hope, and the assumption, is that all honourable ministers will treat their civil servants that way. But it's difficult, in the midst of fulfilling the oath of secrecy, to imagine a civil servant breaching that oath of secrecy, with all the sanctions attached to it, and expecting to serve in his or her office as if it never happened. Besides the breach, there is the real political-personal concern of what's going on in that ministry. Will the person suddenly find himself or herself demoted, let alone all the other sanctions that exist?

Where do you draw the line? Here's one suggestion provided by Lord Denning: "The duty of confidentiality will be overridden by the public interest in receiving information of misconduct." It's his view that "the extent of the public interest should be wide, extending to crime, frauds and misdeeds and any misconduct that ought in the public interest to be disclosed to others"—ought to be disclosed to others." Lord Denning sees the public interest as prevailing over the notion of, I would say, generally speaking, the oath of secrecy. But he spoke those words in a case in which he was offside with the legislation in the United Kingdom at the time. That's not the state of the state in the UK right now.

What's the state of the state here in the province of Ontario? Until Monday, if a member of the Ministry of the Environment wanted to come forward with information, they would have had to deal with this oath of secrecy and they would have been totally precluded from it because there was no legislative relief for them to provide information that might be in the public interest; not just crimes, frauds and misdeeds potentially taking place, but also something that "ought in the public interest to be disclosed." Practically speaking, we know that what happens, rightly or wrongly, is that brown envelopes get delivered sometimes. On the weekend, the leader of the official opposition explained to the public that that was happening, that the official opposition was getting brown envelopes and that's how we were learning of some information. Is that right? Does it make sense



that we have a system whereby people have to fulfill this ethical duty by way of a brown envelope? One questions whether that makes any sense at all.

Where is the legislative relief in this? In the midst of this grave concern over what happened in Walkerton and in the midst of getting to the bottom of this, members asked of the government in this House for a commitment to immunize ministry officials from the oath of secrecy so that we could get to the bottom of it. The Hansard speaks for itself. The record clearly indicates there was no response to that whatsoever; there was a refusal, in fact, to provide that immunity.

On Sunday, Dalton McGuinty called on the government to introduce legislation to ensure that whistle-blowers are not punished. In particular, on June 11, a release was put out calling on the government to immediately put in place whistle-blower protection for government officials who may have information helpful to the Walkerton public inquiry. As the leader of the official opposition said, "We need a law that helps Mr Justice Dennis O'Connor's inquiry get the whole truth about Walkerton and the safety of drinking water across Ontario." At the end of the release it says, "McGuinty will push for the whistle-blower protection when the Legislature reconvenes tomorrow," being Monday. That's a few days previous.

#### *Interjection.*

**Mr Bryant:** A little more suspense here.

On Monday morning, in the newspapers, on the radio—and I heard all weekend on the radio as well—this call from the leader of the official opposition to provide for this legislation. In one newspaper—I don't name the newspapers because I get myself in trouble when I do that—on June 12, it is reported that, "The Liberals have been receiving 'brown envelopes' containing information, but McGuinty said the information needs to come out in public." The headline reads: "Protection Sought for Whistle-blowers; McGuinty Says Bill Would Aid Walkerton Probe."

Another newspaper, on the other ideological spectrum, on Monday, June 12: "McGuinty Makes Push for Whistle-blower Protection Bill." We need a law that helps Justice O'Connor get to the bottom of this.

I remind the House that this is in the context of the government refusing to call a public inquiry, saying that the existing inquiries were sufficient; and under pressure in this House and from the public, led by the leader of the official opposition, the government caved in and agreed, rightly—better late than never—to the public inquiry.

Then, with this call for the whistle-blower legislation in the news and on the airwaves, with the voice of reason coming from the leader of the official opposition to bring forth this legislation, lo and behold, I discovered for the first time at about 1 pm that in fact legislation was being introduced that would protect whistle-blowers who attend before the public inquiry. I said then and I'll say now that if the role of the official opposition is to force wind into the sails of government, then it was a moment in which the leader of the official opposition, Dalton McGuinty,

on behalf of all Ontarians, pronounced upon this issue with the force of a hurricane. Why? Because as a result of his opposition and his efforts and his leadership we got the legislation. That's the good news. We support the legislation; let there be no question about that.

The legislation doesn't go far enough. Why? Because it doesn't do anything to ensure that another Walkerton doesn't take place ever again. The concern that we have is not right now with respect to the public inquiry, because now public servants will have immunity to appear before the inquiry, but what about a sequel to Walkerton, which none of us wants? One way to avoid it is to ensure that if such an event is going to come forth, this surely is an example where the oath of secrecy should not preclude a member of the civil service from coming forward. It may not be crime or fraud or misdeeds, but surely it's in the public interest to get to the bottom of this; surely it's in the public interest to find out in advance that there's a problem as opposed to finding out after the fact. Yes, it's important to get to the bottom of it, and of course we need to have some accountability; otherwise, what is the point of having a democracy?

The Common Sense Revolution takes place and the government talks much about the benefits and never about the costs. But here is the ultimate cost of the revolution. We hope there are no more costs to come, but there may be. One way to ensure that there are no more tragedies like Walkerton is to permit public servants, if they have information that people may be struck ill, or dead, by something that the government is doing or not doing, to come forth with that information—not through a brown envelope being dropped off in a mailbox or however, but rather through legal and ethical means.

#### **2010**

What we are asking the government to do, quite simply, is not to undertake a long debate on this—we want this legislation to pass as soon as possible, yes—but it could take about five minutes to proclaim the legislation passed by the New Democratic Party, Bill 117. Why wouldn't we just proclaim those provisions? Why is that better than the existing legislation? Why is it preferable? Well, the existing but unproclaimed law would protect employees who speak out before a tragedy, not just after, so we can prevent another Walkerton from happening.

This bill only gives protection to civil servants and employees after a tragedy, where they co-operate through a public inquiry. Bill 117 would protect them any time they reveal serious government wrongdoing. We need this legislation now, as we all deal with and grapple with the costs of the Common Sense Revolution. Let's not take any chances; let's proclaim Bill 117 now. It would take about five minutes for cabinet to do so, and I urge them to do that.

In closing, I would just say that we support this bill. I repeat that it does not in any way relieve the very important obligation on this government to proclaim Bill 117 to prevent further tragedies from happening in the future. Walkerton has been, perhaps, the most sobering

public moment of my life, certainly of my political life and I would assume of the political lives of everybody in this room, in this House. It's time, as we assess the costs of the Common Sense Revolution, to ensure that public servants can come forth and act in the public interest. That means real whistle-blower legislation is needed. This is a first step but only a first step, and I hope the government does proclaim Bill 117 as soon as possible.

**Mr Howard Hampton (Kenora-Rainy River):** I'm pleased to be able to take part in this debate this evening, although I suspect that many of the government members will not like to hear what I have to say.

Let me say, first of all, we'll be supporting this legislation, because obviously this legislation is necessary if we're to have the opportunity to get to all the facts and all the information that is necessary for the inquiry to do its work, because a lot of this information exists within the government. It exists in the hands of people who work in the civil service, the Ministry of the Environment, the Ministry of Natural Resources, the Ministry of Agriculture, the Ministry of Health, or it exists in the hands of people who work in the public health units or in other quasi-government organizations such as the Ontario Clean Water Agency.

But I think it's important to reflect on how we got here, because the government, while they made the announcement of the legislation, had to be dragged to this kicking and screaming. The government's first announcement back on May 29 was not of a public inquiry, not an inquiry where there would be an independent commissioner. No, the government's first response was that there was going to be a legislative committee, and a legislative committee dominated by Conservative backbenchers. There was absolutely no mention of whistle-blower protection for those people who work in the public service so they could come forward.

The government's first response was a legislative committee that would be dominated by government backbenchers, the same backbenchers who cheered when 40% of the Ministry of the Environment budget was taken away, who said it was a good thing when 900 scientists, inspectors, technicians and enforcement officers were laid off at the Ministry of Environment, the same backbenchers who cheered when government spokespersons announced that 50% of the environmental regulation was going to be eliminated in this province because in this government's view, it was merely red tape.

That was the government's original approach. They didn't want any of this information to see the light of day. There was no mention of whistle-blower protection. In fact, the very people who are responsible for the cuts to the Ministry of the Environment, who are responsible for the cuts to public health, who are responsible for the privatization of the water-testing labs, were then going to sit in judgment of everything.

We know how that unfolded. That didn't wash with the public one bit. It didn't have one second of credibility out there. And the government knew—the government figured out after a while—that information was going to

come out anyway. Information was going to make its way out into the public arena and they knew, or they had it brought home to them, that they could not confine this issue to the events of Walkerton.

Why just today there are no fewer than five communities in my constituency, far away from Walkerton, that have received boil-water directives in the last couple of days. The community of Balmertown, Cochenour, Madsen, McKenzie Island, Machin township, otherwise known as Vermilion Bay, and I suspect—I'm told—that the community of Hudson will receive a boil-water directive tomorrow. These are all communities thousands of kilometres away from Walkerton, but there is obviously a problem with their water. These communities are going to be approaching this government asking for help so that their water treatment systems can be upgraded. We will see at that time how seriously this government takes these issues of protecting the drinking water quality for the citizens of Ontario.

The government backed away because it became obvious that their approach of trying to smother this, trying to keep it out of the light of day, wouldn't work, wouldn't have any credibility and the people of Ontario would see it for what it really was—an attempt at a cover-up.

Then the Attorney General, on Wednesday, May 31, comes into the Legislature and he announces that the legislative committee—conducted by Conservative backbenchers, designed to keep the information out of the public view—is off. “The government agrees. The government has acceded to the public demand for a public inquiry.”

But at that time there was no mention whatsoever of whistle-blower protection for the public servants who have access to, who probably have possession of most of the information. No mention whatsoever. I came into the Legislature, and I asked the Attorney General, I asked the Premier and I asked the Minister of the Environment for assurances that this kind of protection would be made available. No response. I sent a letter to the Attorney General and I pointed out to him that the terms of reference of the inquiry should have included in them a very long and definite clause which says that any public servant, any government agency, any employee of the government, any employee of a quasi-governmental agency or any municipal employee who comes forward shall have protection. I asked the Attorney General to respond to that. No, he wouldn't. No response.

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But it then became evident to the Attorney General that as more and more attention was being focused upon what happened at Walkerton, the events that led to Walkerton, all of the information was starting to leak out. They suddenly realized they had another problem. They wouldn't be able to cap the information in another way. Thus we have this legislation here today. The government has finally recognized that they can't keep this out of public exposure, that they can't keep it away from the public. But this hasn't happened because of the



willingness of the Harris government; it has happened because it's been dragged out of them. It has happened because they recognize that their attempt at a narrow legislative committee wouldn't work. It has happened because we asked them here to provide these assurances. I asked the Attorney General, in a very specific letter, to include this language. Finally they have recognized that they can't sell this, that they have to allow this to see the light of day.

Is this legislation adequate? Actually, no, it isn't. No, it's not adequate, because this legislation only provides protection for a public servant should he or she choose to come forward during the time of this public inquiry. What is needed is for this government to implement the whistle-blower legislation that was put in place by the previous NDP government. What this government needs to do is to put the one or two finishing touches. The legislation was passed, regulations were prepared, but the appointment of the commissioner or a council that would be responsible to the Legislature, the one finishing touch, is something this government has refused to do. This government has absolutely refused to do that.

I want to point out why that's necessary and what would likely have happened if that had been in place. We know that back in 1996 officials in the Ministry of the Environment were ringing the warning bells for this government, saying to them, "Your cuts in the Ministry of the Environment, especially in enforcement, inspections and in the operations division, are so severe that Ministry of the Environment staff can no longer adequately protect things like drinking water."

There was an internal memo in 1996 from the assistant deputy minister of operations. It said, "We will no longer be able to do all of our work in terms of protecting the quality of drinking water." That memo was repeated in May 1997. The same deputy minister, after more cuts had taken place, came forward and said to her staff, "We will not be able to fully do our job."

We know that in 1997 that information was put in the hands of the minister. It went all the way up the line, to the assistant deputy ministers, the deputy minister and to the minister, so that this government was told that adequate protection of the quality of drinking water and the water supply is no longer within the capability of the Ministry of the Environment.

We know further that in January of this year a memorandum was prepared within the Ministry of the Environment that is almost clairvoyant in terms of Walkerton. It sets out in the issues that it raises and in the recommendations that it makes the very things that would have allowed the events in Walkerton to be avoided.

If this government had implemented that whistle-blower legislation, if that information that was available within the Ministry of the Environment in the fall of 1996, in May 1997 and in January 2000, some of it speaking almost specifically to the Walkerton situation, it would have allowed that information to come into the public light and what happened at Walkerton may very well have been avoided.

That is why this legislation, which will provide whistle-blower protection for the public inquiry and the public inquiry only, is good for the public inquiry, but it is not adequate for the citizens of Ontario and it is not adequate for a province which calls itself a parliamentary democracy.

The tragedy we've seen at Walkerton, the deaths of at least seven people and possibly 11 people, the serious illnesses of 2,000, could very likely have been avoided if this government had proclaimed the very whistle-blower legislation that was there on the books. It simply needed this government to appoint a commissioner. That commissioner would have provided the framework within which civil servants, employees of the government or quasi-governmental organizations, could have come forward and brought this information into the light of day. That would have made a huge difference.

This government has failed to appoint the counsel, has failed to put the finishing touches on what is legislation that is very much required in a parliamentary democracy. Some of the Liberals say, "Why didn't the NDP proclaim it?" I want to say to the Liberals, the NDP brought this legislation forward, something that we never heard of from the Liberals. The NDP passed the legislation and the NDP put in place the regulations. The one finishing touch that needed to be done was the appointment of a commissioner. This government failed to do that, failed to provide the machinery so that that legislation could become effective.

I want to point out why it's important for that legislation to be proclaimed now. It would have been wonderful if it had been proclaimed by this government in 1995 or 1996 and the council appointed. It is equally important that it be proclaimed now. Let me point out why. We heard just the other day that even as the inquiry into Walkerton will go forward, this government intends to force-march the privatization of municipal water treatment, sewage treatment and water protection across the province.

The Minister of Municipal Affairs stood in his place almost like a bulldog and said, "We will go forward with this agenda." Whistle-blower protection is therefore even more important in this context, because this government's plan to further privatize what is an important public service, the provision of safe, clean drinking water, is an agenda that has been adopted from elsewhere.

I want to refer to Great Britain because this government is doing nothing more than copying the agenda of Margaret Thatcher in Great Britain. Thatcher privatized all of the water treatment plants, all of the water utilities in Great Britain in 1988 and 1989. What did the private companies do? The private companies came forward. They were more than happy to take over the water utilities. They immediately laid off half the staff. They stopped doing maintenance in the system. They jacked up the prices. They cut their costs, increased their prices and, yes, made huge profits, increased profit levels that were unheard of.

What happened to the public? What happened is this: Families that didn't have a high income suddenly found their water cut off. When there was no maintenance being done on the water systems, the quality of the water systems started to depreciate substantially, and more and more people were consuming dirty water, contaminated water. How bad did the situation get? It got to the point where in the mid-1990s, in 1993, 1994 and 1995, the British Medical Association on an annual basis was writing to the Conservative government then and pointing out that the sad state of the quality of drinking water was such that it was a serious public health problem in Britain. Because it had been privatized, because those private companies were more interested in making a profit than they were in providing quality drinking water, water had become a number one public health problem.

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That is why we need, now, proclamation of the whistle-blower legislation. That is why we need this government to finally appoint the commissioner who can be the mechanism and the machinery to ensure that where public servants come forward and bring information forward that is necessary for the protection of public health and safety, they will have that protection. I'm not surprised that this government is reluctant to do that; I'm not surprised at all. After all, this is a government that systematically, as an agenda, is turning over the public services and the public resources, which are necessary for people's public health and security, to private corporations that are not the least bit interested in protecting the quality of the public service, but are interested almost exclusively in how much money they can make off of the particular service.

I'm not surprised that this government didn't appoint the whistle-blower commissioner in 1995. I'm not surprised at that. But I would say to the government members that if you had appointed the commissioner, the counsel for whistle-blower legislation, if you had appointed the commissioner to provide that protection, what happened at Walkerton could very well have been avoided and what I think is going to happen in other places across this province could very well be avoided.

People out there who have some responsibility for the quality of drinking water are now, out of precaution, sending out boil-water advisories in community after community. As I said, six communities in my constituency in the last couple of days have received boil-water advisories. I'm surprised that the Ministry of the Environment didn't report to the medical officers of health that there were problems with the quality of water before. I'm surprised that they didn't report this back in April or February or last November.

I wonder what it was that suddenly those officials in the Ministry of the Environment are calling up the local medical officer of health and saying: "Oops, there's a problem with the water in Balmertown. Oh, there's a problem with the water in Madsen. Oh, there's a problem with the water in McKenzie Island. Oh, there's a problem with the water in Machin township, in Vermilion Bay.

Oh, there's a problem with the water in Hudson." I know why they're doing it. I know why suddenly the medical officers of health are getting this information. It's because this government knows that what happened at Walkerton could very easily happen elsewhere in the province.

This government is not, by and large, inspecting the water treatment facilities of the smaller communities in this province. The Minister of the Environment in estimates committee yesterday basically admitted that to me. He said: "Well, we're checking about 175 out of more than 600 water treatment plants. We're checking the biggest ones. The 175 that we're checking account for some 80% of the population of Ontario." You don't have to be a mathematician to figure out that this government is checking the water treatment plants of the largest cities, but small towns and small rural communities aren't being checked at all.

What happened at Walkerton could very easily happen elsewhere. Officials in the Ministry of the Environment are now taking information they've been sitting on for who know how long and they're putting it out to the medical officers of health. The medical officers of health, because they don't want to see people become ill, because they don't want to see someone else die, are immediately imposing boil-water advisories in community after community.

As I said, we'll support this legislation. I have to say to the government members and especially to the cabinet ministers who are here: Do you realize that what happened at Walkerton could very easily happen again?

*The House lights went out briefly.*

**Mr Hampton:** This is just an indication of what's going to happen after your deregulation and privatization of power. Not only are the prices going to go up, but the lights are going to go out.

I just want to give another example of why implementing the whistle-blower protection and appointing the commissioner to supervise the whistle-blower legislation would be timely. We've heard your Minister of Energy come into this Legislature and tell people over and over again that the deregulation of hydro is going to result in lower hydro rates. That has been your government's line now for two years. But last week he had to come into the Legislature and he had to re-regulate. Why? Because he suddenly discovered that in the municipal sector it's not going to result in a reduction of power rates; in fact, power rates are going to go up. Even though he doesn't want to admit it, he's now discovering that the major industrial users of power have sat down with their electrical engineers and their accountants and they have figured out that the cost of their hydroelectricity is going to go up by 20% and 25%. Just an example again of how whistle-blower legislation—I'm not saying that in that particular instance it would come to the aid of citizens—in comparable situations would allow someone to come forward and say: "Whoops, the government's agenda here is not working. The government's strategy is not working."



I told you that power deregulation is going to result in higher prices and less power, and you guys are seeing it here tonight. We should all thank you very much for this brilliant strategy that is already off the rails.

I say this particularly to the members of cabinet who are here tonight. What are you going to do if, while the Walkerton inquiry is happening, another community is hit with contaminated water and all of the reports start coming out again that this should have been known about, could have been known about, that warnings were sounded, information was provided?

Let's take the community of Rocklyn, which is near Walkerton. Rocklyn has had E coli contamination in 13 of the wells in that community since February. Since February. And since February they've been trying to get someone from the Ministry of the Environment to come and do an investigation of where it's from and what they have to do to clean up the water system. The Ministry of the Environment says: "No, we're not doing that. We don't have enough staff. Wait until after Walkerton. Wait until we've dealt with the other serious situations, and then we might have time to come and do this."

It's pretty evident that there could be another community out there where this could happen, where people could become very ill. Wouldn't you be protecting yourselves by implementing, across the board, the whistle-blower legislation? Wouldn't you be protecting yourselves by ensuring that somebody who works in a public health unit or the Ministry of the Environment or in hydrology in the Ministry of Natural Resources could come forward and say, "Here is a problem, here is an issue for public health, here is something that needs to see the light of day for the protection of public health and the protection of public safety"? That's the situation you're in now. That is the problem you're facing. People can do that in the terms of the public inquiry, but outside of the terms of the public inquiry, they can't do that. So, if something is not necessarily connected to the public inquiry, they're not going to be able to do that.

In terms of doing the right thing, in terms of providing that extra measure, that additional measure of protection of public health and safety, this is an intelligent thing to do and it would be a smart thing for your government to do in the context of the jam you've got yourselves into now.

I don't expect members of the government to listen. This is very much a government that, since its first days in office, claimed it knew everything and no one else in the province knew anything at all. This is the government that laughed when we told them two years ago that their cuts to the Ministry of the Environment were going to come back and do irreparable harm. We're telling you now: Implement the whistle-blower legislation so that the people of Ontario will have the kind of protection for health and safety that they need and deserve.

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**Mr Frank Mazzilli (London-Fanshawe):** I too, on behalf of my constituents of London-Fanshawe, want to express my condolences to families in Walkerton and to

those families who are at a very difficult time dealing with the tragedy.

I certainly commend Premier Harris and the Attorney General for calling the public inquiry into a situation that deserves all the appropriate answers, deserves the attention so that this will never happen again.

Along with the public inquiry, there's an OPP investigation that will certainly do its investigation and come to some conclusions.

Along with that, there's the coroner's inquest. I think it was the appropriate thing for the leader of the third party to call for a public inquiry, and I commend him for his leadership in that regard. Dalton McGuinty was nowhere to be found on that issue.

The public inquiry is important not only to get to the bottom of this tragedy but also to have a person heading that inquiry, Justice O'Connor, who can take the evidence heard from many witnesses, who in many cases will be represented by legal counsel. Certainly in a situation like that you need a person who has expertise in handling rulings on admissibility of evidence, which obviously will have to be done. That's where, in my view, this would be beyond the scope of what a coroner's inquest could handle. The reason, quite simply, is that a coroner's inquest is heard by a coroner, a medical practitioner in the province of Ontario who has the expertise, certainly a medical background, but often in a complicated hearing where one wants to come to conclusions and recommendations, it's beneficial to have a Court of Appeal of Ontario judge as the commissioner. Again, I want to commend Premier Harris and the Attorney General for recognizing the importance of having a qualified person to preside over such an inquiry.

The inquiry has a very broad mandate to check into the circumstances which caused hundreds of people to become ill and several to die at a time when E coli bacteria were found in the Walkerton water supply. That's only one thing, and that's a pretty broad scope and a challenging one, I submit, for the commissioner to come up with the answers to.

The second thing is the cause of these events, including the effect, if any, of government policies, procedures and practices and any other relevant matters the commission considers necessary to ensure the safety of Ontario drinking water. Not only is Justice O'Connor being asked to find out, to hear witnesses speak about, what happened in Walkerton to ensure that it never happens again, but essentially he's being asked to look into any government procedure or policy, if any, that had any effect on the situation in Walkerton and any other relevant matters he considers important or necessary.

There have been many inquiries in this province. There have been many inquiries at a national level. I don't know that any had that type of scope, that kind of broad terms of reference we see here. The reason for having that is that the people of Ontario deserve nothing less than to know the entire truth about how the situation in Walkerton occurred and how that can be and must be prevented at all costs in the future.

Second reading of Bill 87 is very important. As we've heard, both opposition parties have had the opportunity in the past to amend the Public Inquiries Act to have a situation that could protect not only civil servants but also other employees called before an inquiry to give evidence, and they did not. We hear complaining across the floor. Yes, governments are reactive. There are things you never consider would be a problem and only realize are a problem when something occurs.

The Attorney General looked at the Public Inquiries Act legislation and found that public servants, as well as private sector employees, who could give evidence before a commission may feel they do not want to because of fear of reprisal from their employers. The Attorney General felt it important that those employees should be protected, and should be mandated to appear before the inquiry and give in good faith any evidence they feel is important.

A few moments ago we heard the leader of the third party complaining that this type of legislation should have been enacted long ago; in fact, when he was in government, they did not. If I can turn to Hansard from 1993, at 2220 hours the now Minister of Transportation was debating on behalf of our party the very bill the opposition leader was talking about. I quote:

"Turning to the last section of the bill, the whistle-blowing, this completes some political promises that were made to the Liberals in their famous accord, but it is interesting to note how toothless this legislation is. When the NDP were in opposition, they always talked about some all-encompassing whistle-blowing legislation. I note that the member for St Catharines, who has been around this House for a very long time and has heard a lot of the NDP rhetoric, both from the government side and the opposition side over the years, is nodding his head in agreement.

"This legislation on whistle-blowing is useless because it establishes a council to tell the individual ministries that are accused of grave misconduct to investigate themselves. How utterly ludicrous.

"Last night in clause-by-clause I introduced on behalf of the Progressive Conservatives an amendment which would allow the council to determine, if they considered the breach to be of such a significant nature that they thought it appropriate that the individual ministry not investigate itself, that the council would have the discretion to request the Provincial Auditor, the OPP or the Solicitor General, or any other ministry which it thought appropriate, to come in and investigate that breach. The government voted it down. Why? That's the fundamental question."

That was Mr Turnbull, now the Minister of Transportation, who in 1993 when the NDP had their bill—I certainly don't like the title "whistle-blower" because when we talk about people who truthfully come before an inquiry or a public hearing of any sort, what we're talking about are people who are concerned about sharing in good faith the knowledge and information they have.

The title of "whistle-blowing" that's been referred to is not one I would title it or condone.

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What we had from the NDP in their proposed legislation—let's think about it—was "ministries ... of grave misconduct to investigate themselves," and then this is before a council that has no obligation to report that grave misconduct to the Provincial Auditor, the OPP or even another ministry. If that is not the most useless piece of legislation of this sort ever introduced, I don't know what is.

That is why, after this situation in Walkerton, Premier Harris took it upon himself with his leadership to not only have an OPP investigation of the matter; there's a coroner's inquest that's going to answer some questions, but there are very difficult questions that go beyond the scope of what any coroner's inquest could possibly come up with and the scope of the inquiry would be beyond the ability of any coroner to control, because I suspect the number of people and institutions applying to this inquiry for standing will be large.

With those large numbers there has to be some ability to make the legal arguments. That is why we need a commissioner, and Justice O'Connor is that person. We on the part of the government know that we have someone who can not only handle the many legal arguments that I suspect will be brought before him, but can also handle the many different witnesses at a time of trauma. I suspect there will be many witnesses at the inquiry who have been traumatized, who are victims, perhaps witnesses who feel they have some sort of responsibility for the tragedy that happened.

A person with many years of experience on the bench is required, to have understanding of what it takes to allow a witness the appropriate time to tell his or her story to the best of his or her knowledge about what they know about this tragedy, and after having heard all of that evidence, a person who has the experience to come to some conclusions about what occurred and how this is to be prevented at all costs in the future.

I am aware and cognizant of the fact that this inquiry's going to take some time, and I think with good cause because in the end there will be, I suspect, a very comprehensive review that will answer some very difficult questions, questions of "the circumstances which caused hundreds of people to become ill and several to die at a time when E coli bacteria were found in the Walkerton water supply; ... the cause of these events, including the effect, if any, of government policies, procedures and practices; and ... any other relevant matters the commission considers necessary to ensure the safety of Ontario's drinking water."

It is with that type of scope that we expect—and I'm sure it will be delivered by Justice O'Connor—a very comprehensive report to ensure the situation in Walkerton never happens again in Ontario.

**Mr Steve Peters (Elgin-Middlesex-London):** While the government's so interested in public inquiries, I would issue the challenge tonight to have public inquiries



into what happened at the Elgin-Middlesex Detention Centre and into what went on at Ipperwash with the death of Dudley George. Those are a couple of more public inquiries this province really needs.

As we talk about this legislation here tonight, I think it's very interesting that if you look back to 1993 and the comments that were made in this very Legislature, why has it taken you three years? Now you're finally going to do something about whistle-blowing. All I have to say is, it's about time.

"I want to reiterate a couple of the principles enunciated by the Ontario Law Reform Commission ... 'Public trust and respect is earned through integrity and openness in government, and accountability in government is promoted when public employees understand that they are free to disclose matters of serious wrongdoing and that they will not suffer any adverse consequences for having done so.'" Do you know who said that? The Deputy Premier.

Still we wait for this legislation. We see this legislation in front of us tonight and it's only looking at one segment. This is a law that doesn't just protect employees; more important, it allows information in the public interest to be disclosed.

You know what else is important, and what we need to do and why this should be looking at not just at this instance, but overall as far as government is concerned? Because this is all about preventing tragedy. The existing unproclaimed law would protect employees who speak out before a tragedy, not after, as it does in today's legislation. Government employees have no protection from retaliation and no legal means to make their information public unless there's a public inquiry. That's wrong. Every government employee should know that at all times they have the right to come forward without threat of legal retaliation.

We talk about communities and the community of Walkerton and the sad tragedy that has taken place there. But as we're hearing more and more, this is an issue that is much broader, an issue that has got citizens across this province seriously concerned about the state of their drinking water. The government has to be held accountable and accept some responsibility for this. I look in my own riding. In the school at South Dorchester children this week were told to bring bottled water to school—unprecedented.

I want to talk to you about a more serious threat to another community that has just come out publicly today. This is not a community in the sense that we think of, of roads and streets; this is a community of a hospital. The St Thomas Psychiatric Hospital today has been informed that their water is contaminated with E coli. This is a community of 400 patients—geriatric patients, forensic patients, individuals with psychiatric disorders. This is also a community within the hospital that has a daycare centre that is there for the employees' young children. Where was the E coli found? It was found in the tap of the daycare centre.

This is a serious crisis that's taking place in this province, and a crisis that has gone beyond the magnitude of Walkerton. It has gone to South Dorchester school, and as of today it's part of the St Thomas Psychiatric Hospital. I think, and I would hope, that all members will be extremely concerned about what's happening there because this is a very serious issue.

Yesterday in this Legislature I questioned the Minister of Agriculture about his decision to cancel the CURB program: Clean Up Rural Beaches. This was a program that took great steps and great strides to removing contaminants and sources of contamination to our groundwater and to our waterways. So what does the government do? They go and cut that program. It's just mind-boggling that they would proceed and do something like that.

It's not just that program, but it's all the cuts that have taken place across this province. I think what's worse yet in all this, in this whole issue—and I hope it's something that comes out of this inquiry—is the serious lack of coordination that exists among your government ministries. One ministry doesn't know what the other ministry is doing. There's not one cohesive, solid water strategy for this province. That is a very real shame and it's a real serious threat to individuals' health, to lives, to the tourist industry in this province. You've got the Ministry of Agriculture and Food doing one thing: sitting quietly on a report that they know is going to show that there are problems with intensive farming operations. You've got the Ministry of Natural Resources, with its infighting and talk now of probably pulling the plug on conservation authorities and what they do. You've got the Ministry of the Environment—we've seen how the Ministry of the Environment has handled this situation. You've got the Ministry of Health: The ministry of health is responsible for public health; the Ministry of Health is responsible for the St Thomas Psychiatric Hospital. Why can't these ministries get together so that we can have a coordinated water strategy for this province?

When we talk about contamination of our waterways—and too often we've heard in this House where one group gets blamed or another—I think we need to all accept some responsibility that it's municipal sewage plants and septic systems that are contributing to part of our problem. It's landfills that are contributing to part of our problem. It's agriculture that's part of our problems. And it's the boating industry that's part of our problems. There's a collective problem in this province and the government is doing nothing to address this issue of water quality.

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I was proud to have been part of an organization called the Kettle Creek/Lake Erie Water Quality Task Force, which worked through the 1990s to develop and look at Kettle Creek flowing into Lake Erie, and Lake Erie being the source of the drinking water for St Thomas and Elgin county and 46% of London. We looked at some of the problems that were happening in our waterways, and I'm proud to say we addressed that. We identified that it

wasn't any one segment that was part of the problem, that we all had to accept collective responsibility.

I'm proud to have been part of a city that recognized that bypassing our pollution control plant in heavy rains—like it's doing outside—is just not acceptable. We invested \$3.2 million to develop a combined sewer overflow which is going to prevent 90% of the bypasses from going into our lakes.

We need to really stress, and I can't stress enough, the need for this coordinated approach. I'm glad to see that the Minister of Agriculture is in the House, because I'm hoping he'll give us some indication tonight when his intensive farming report is going to be released. I hope he's going to give us some information about how the healthy futures program is supposed to help and will help individual farmers. I wish the Minister of the Environment was in here tonight to talk more. The Minister of Natural Resources was in here. He too needs to accept some responsibility.

As we've heard before, we all need to accept some responsibility for this, but I think the biggest responsibility and the biggest blame, though, lies with this government: the unprecedented attacks that this government has made on the budgets of the Ministry of the Environment; the unprecedented attacks it has made to the budgets of the Ministry of Natural Resources; the unprecedented cuts in employees of those two departments; the unprecedented downloading of sewage and water plants to municipalities. You look at the bypassing that has taken place in eastern Ontario. Eastern Ontario can't believe they've been given, courtesy of this government, a pollution control plant that they find out now is bypassing raw sewage into the creek. That responsibility lies with this government.

That's what this inquiry is going to show. This inquiry is going to show that this government has to accept responsibility for what has happened in this province. This government has to accept some responsibility and owes an apology to the citizens of Ontario for its actions and its initiatives, what they've taken and the damage they've done.

As I said before, this is beyond Walkerton. What's happened in the village of Walkerton is tragic but it's happening all over this province. I can tell you, when it starts to happen in your own backyard, when schools are told to bring bottled water, and a psychiatric hospital with 400 patients and children in daycare centres are threatened, it hits home.

I put this government on notice: I'm going to do everything in my power to keep the heat on this government, to make sure that you are held accountable for the damage you've done to this environment and this province.

**Mr Bert Johnson (Perth-Middlesex):** I would like to add my comments to this debate tonight. First of all, I would like to say publicly to those people in Walkerton who are hurting and grieving that we all feel for them. All of us who live in small towns—I happen to live in a place called Listowel, which is very comparable to

Walkerton in terms of size and economic activity and is in the midst of a very good rural farming-agricultural community—feel for their loss and their hurt at this time.

What happened in Walkerton is a tragedy that must not be repeated. That's why it's so important that a full, open, public inquiry review what went wrong and why, and make recommendations that will avoid similar tragedies in the future. The people of Walkerton demand answers. The Ontario public demands answers. Premier Harris and this government demand and want answers.

I know all members of the House are delighted that Justice Dennis O'Connor, an eminent jurist, has agreed to accept an appointment as the commissioner of inquiry under the Public Inquiries Act. I don't know Justice O'Connor personally. All I know is what I've heard and read about him, and that satisfies me. If that's true, then he is very much the person whom we want to lead this inquiry. Justice O'Connor has been given a broad mandate to inquire into all matters relevant to the safety of Ontario's water supply.

I wanted to reiterate that I was mayor of Listowel for the period from 1988 to 1994. Some members may remember that was during the time the town of Elmira was undergoing water problems. We had problems in Listowel too. We had the conduit and we had a sewage treatment plant that needed to be updated and enlarged. I remember going home from a council meeting one Monday night, dropping my agenda and all the background material I was expected to read and know on the kitchen table, plopping myself in a chair and saying to my wife, "Am I ever glad I'm not the mayor of Elmira."

I think all of us who have been in municipal politics will say the same thing about Walkerton. We'll be very glad that we're not the mayor of Walkerton. We can't imagine the kind of hurt and treatment he has taken, not only from his own people, in some cases, but the press, who won't take yes or no for an answer and make their way into maybe some private areas of his and other lives.

I wanted to put those comments on the record at this point, that we from small-town Ontario feel for each other in our own communities and will help out the best we can. In my area, I know there were collections taken up for bottled water to be put in trucks and taken up to Walkerton to help out. It seems to me that's the sort of help we should be giving to each other instead of standing here in this House, yelling back and forth across the way and trying to find blame.

We have those who want to blame this already. I guess there's no need to have an inquest, there's no need to have a police investigation and, as I see it, there's no need to have this inquiry, with all of Justice O'Connor's ability, because a third of this House, or whatever, have already made up their minds whose fault it is. They know exactly what happened. I don't know how it is that they know and I don't, but they know where the blame is and they are saying every day just exactly where it is. So I would suggest we could save an awful lot of money by just disbanding the inquiry, giving Justice O'Connor a cheque and a thank you and sending him on his way,



because if we were to listen to those who know what happened, we wouldn't need all of these investigations. I'm one of those who would like to sit back and see, and if there has to be blame, that's fine.

We were talking about compensation. There was one honourable member here tonight, I think from Kingston and the Islands, who was talking about compensation and immediate payments and so on. I don't know about Kingston, but I worked for an insurance company in the mid 1960s that developed a strategy for settling claims, and it was that you would determine the amount of quantum in a claim before you decided on the liability. In spite of that, they changed the common way that claims were settled in those days, up until this time, 1965ish: You had to sign off on your injury, whether it was your sore back or arm or your head injury. You had to sign off on that before they would pay you for your broken bumper and your fender and the damage to your car. This progressive company decided they were going to try paying for the car first, and maybe then the person wouldn't feel quite so injured and would settle just as cheaply for his head injury or his sore arm or his back.

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That was in 1965. As far as I know, they've not changed their policy on that. I don't see any reason to change that either. So when the members from across are wondering about the wisdom and the strategy on how to settle claims, I think that instead of getting into a big uproar and saying, "We're going to blame this on budgetary strategy of this government," we'd better wait until the inquiry settles.

When I look at the budget, I take a look at the environment in 1996-97: \$146 million; and I take a look in the plan for the year 2000 and I see \$158 million. That doesn't appear to be a cut or a reduction.

I'll wind up my comments with this: What happened in Walkerton is truly a tragedy. We wouldn't wish this on anyone. But I am one who would like to take a little bit of time to see what has happened. I'd like to give those bodies that have been given the authority time to look into these and to ask the tough questions, get to the bottom of things, find out. Laying the blame will satisfy some, but I'm more interested in finding ways that we can prevent this, eliminate it from happening again, rather than going out and laying the blame and being able to point the finger at somebody and saying, "It's your fault."

**Mr James J. Bradley (St Catharines):** I am pleased to be able to make a contribution to this debate and to say that the procedure being recommended by the government is a small step. It is one that is essential for this inquiry, but I think it should be widened considerably to what we call whistle-blowing legislation. That was of course passed by the Parliament of Ontario, I think back in 1993. It was never proclaimed, and I wonder why it was never proclaimed, because it was a good piece of legislation. The leader of the New Democratic Party was up earlier this evening extolling its virtues, and I know he was probably putting a lot of pressure on at that time to

have it proclaimed. If it was so good a piece of legislation, it would have been proclaimed. It reminded me of the spills bill which in 1979 was passed by a minority Parliament and never proclaimed by the Progressive Conservative government once they got a majority. When we came into office as a Liberal government in 1985, one of the first things we did was proclaim the spills bill, which meant putting it into effect. That's what we mean, for people at home who might be watching, when we talk about "proclaim."

It is needed. Listen, we go through the procedure, our members, now because there are problems across the province. Every day, almost every hour now you're reading about some municipality that has to boil its water; they've found E coli, they've found coliform, they've found some other substance that should not be in the water. It's virtually out of control right now. The Ministry of the Environment must be run off its feet.

But you can't get timely and extensive information from the Ministry of the Environment at this time because a gag order has been put on them, at least a gag order for a period of time, until the information is sanitized at central, at the Kremlin, in this particular case. I always refer to the Kremlin as the central office of any operation that operates in this building.

Here's the conclusion I've come to, looking at some cases that some of my colleagues have brought to my attention when they've tried to get some information from the Ministry of the Environment the past couple of weeks. A Ministry of the Environment field officer, for instance, is typically the person you would contact. They're forced to spend two and a half days waiting for approval and direction in responding to a simple inquiry about the enforcement of a regulation.

Potentially all MOE employees across the province are forced to follow a lengthy, time-consuming process in attempting to respond to calls from the media and from members' offices. The MOE has lost one third of its staff, 40% of its budget. We know that. Now we find out that the meagre staff left in the MOE offices, including front-line officials, are being forced by this same government to spend days responding to simple inquiries, deeming them unable to perform their primary responsibilities, which are protecting the environment.

The sole purpose of the media-MPP response process, lasting two and a half days in some cases I've seen, is to ensure that the Ministry of the Environment employees don't talk and reveal unnecessary information. Therefore MOE workers are being muzzled. They cannot answer questions at their own discretion. Thus the information being released from the ministry is being carefully dictated from a central Toronto office.

It appears that the MOE is afraid of and is forbidding whistle-blowing by their own workers and that they have some reason to believe that their employees have information that will possibly be hurtful to the government.

That's a conclusion which some of my colleagues and I have come to just trying to contact the ministry over

calls we get from people, because they tend to call us about these matters.

I attend an Ontario Public Service Employees Union press conference the other day where they were talking about the inquiry. They would be pleased to the extent that in the inquiry we appear to have a whistle-blowing provision there, where people are protected against reprisals. I think that is positive, although it was described to me by someone else who said, "That's only for people who are deemed to be appropriate witnesses before the inquiry and not for others who may have useful information."

But I thought it would be interesting for you to listen to what the Ombudsman had to say in her report. This was in 1998-99. Listen to what she said about the ability of government employees, civil servants, to make comment. She says:

"In each of the cases I reported the public servants involved were not at fault. Generally speaking, they are committed professionals dedicated to serving the public to the best of their abilities. The fact is a demonstrable lack of resources has led to an inability to provide acceptable levels of service, and senior government officials have failed to take adequate steps to address the problems.

"As Ombudsman I have witnessed the development of what I can only describe as an atmosphere of fear among public servants, where senior officials are afraid to question the wisdom of the government's approach for fear of reprisal or loss of reappointment. As a result, many of the values upon which the public service has historically relied, including the obligation to 'speak truth to power' even when the truth is unwelcome, have been seriously undermined. I have also observed a not unrelated trend as some senior officials become unwilling to admit their inability to deliver adequate service. Instead they offer reassurances that despite evidence to the contrary, all is well, things are getting better, and improvement is just around the corner."

I'm talking about the Ombudsman, a totally neutral person.

"It has been my experience in recent years that there is a fundamental contradiction between promising higher standards of service on one hand and on the other, systematically underfunding those agencies mandated to deliver the service."

She goes on to say, "The result of this tension between expectations and reality is a public service in serious decline and increasing numbers of people in crisis."

That's why I believe that the whistle-blower legislation, which was Bill 117, I think we're referring to, passed during the years of the NDP government, should be proclaimed by this government. That would cover not only the circumstances with the inquiry, but all circumstances. Because there are reprisals against the person who comments publicly and outside the scope of the duties of his or her position on matters that are directly related to those duties that are dealt with in the positions—I'm relating this now to the bill. The purpose of

part of this bill is "to protect employees of the Ontario government from retaliation for disclosing allegations of serious government wrongdoing and to provide a means for making those allegations public."

Here's what it talks about in those categories:

"Serious government wrongdoing

"For the purposes of this part, an act or omission constitutes serious government wrongdoing if it is an act or omission of an institution or of an employee acting in the course of his or her employment and if, ... it represents gross mismanagement; ... it represents an abuse of authority; or"—this is very telling—"it poses a grave health or safety hazard to any person or a grave environmental hazard."

For protection of employees, it says the following:

"No institution or person acting on behalf of an institution shall take adverse employment action against an employee because,

"(a) the employee, acting in good faith, has disclosed information to the counsel under this part; or

"(b) the employee, acting in good faith, has exercised or may exercise a right under this part."

Essentially this is saying that it's a whistle-blowing bill. That's what we should be implementing now. There are many people in the public service who would like to speak out, who are afraid—a characterization by the independent Ombudsman of the day, who, in a 1998-99 report, clearly points out that her observation is that was the case.

We have seen quoted in the newspapers on several occasions some information which is rather relevant—employees saying they're discouraged. Here's one quote:

"Since the cuts, everybody's been walking around like zombies," said Doug McDougall, an investigations officer with the ministry in Timmins, who also chairs the ministry's employee relations committee.

"We'll never get over it. The whole ministry is in shambles. All you can do is shake your head," he said, referring to the 900 jobs cut from a total of about 3,000.

"The common adage at the ministry these days is that 'the ministry is spending more time counting what it is doing, rather than doing what counts.'"

It goes on to say:

"There was a collective shudder through the ministry. It was like: 'Oh my God. Do [the Tories] have any idea what they're doing?'" said a former investigator who lost his job during the cuts and no longer works in the field."

What they're referring to is the staff cuts and the significant budget cuts.

There was a story that appeared under Martin Mittelstaedt's by-line in February of 1997 which talked about an internal document by Sheila Willis, an assistant deputy minister, telling the government they must prepare an internal defence against negligence because what was going to happen in fact was that the government was going to be sued.

There was a front-line environment ministry staff meeting in Collingwood three years ago to talk about the potential for environmental catastrophe because of cuts to



water and sewer inspections. There was a document referred to in January 2000. No minister even saw it, they said.

I'd like to hear from all these people. They won't necessarily be called before the inquiry. I would like the people who are described in those articles and those documents to have the freedom to speak out, the freedom to reveal to the public of this province the problems that exist and to come up with solutions. This bill does not go far enough to do so.

**The Acting Speaker (Mr Tony Martin):** Mr Flaherty has moved second reading of Bill 87. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

**Hon Mr Klees:** Mr Speaker, I ask for unanimous consent to call the order for third reading of Bill 87.

**The Acting Speaker:** Do we have unanimous consent? Agreed.

PUBLIC INQUIRIES  
AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI  
SUR LES ENQUÊTES PUBLIQUES

Mr Klees moved third reading of the following bill:

Bill 87, An Act to amend the Public Inquiries Act /  
Projet de loi 87, Loi modifiant la Loi sur les enquêtes  
publiques.

**The Acting Speaker (Mr Tony Martin):** Any debate? If not, is it the pleasure of the House that the bill carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

It being close to 9:30 of the clock, this House stands adjourned until 10 of the clock tomorrow morning, Thursday, June 15.

*The House adjourned at 2124.*

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**Legislative Assembly  
of Ontario**

First Session, 37<sup>th</sup> Parliament

**Assemblée législative  
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Première session, 37<sup>e</sup> législature

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**Thursday 15 June 2000**

**Jeudi 15 juin 2000**

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 15 June 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 15 juin 2000

*The House met at 1000.*

*Prayers.*

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### WASTE DISPOSAL

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** I move the following resolution:

That this House,

(1) Acknowledges that only 30% of Ontario's waste diversion goal for the year 2000 has been reached so far;

(2) Resolves that the province of Ontario must commit to and embrace a diversion program which reduces the need for landfill space and garbage disposal;

(3) Resolves that the province must now employ cost-effective, modern technology, which is presently available as a progressive process to manage and dispose of waste; and

(4) Urges that a more aggressive objective than the present goal of 50% be established to divert waste away from landfill sites.

**The Acting Speaker (Mr Michael A. Brown):** The member has up to 10 minutes to speak.

**Mr Beaubien:** It's a pleasure to bring this issue to the floor of the House today for the constituents of Lambton-Kent-Middlesex, and especially the constituents of Lambton. Why am I bringing this resolution to the floor? The reason is that there is a proposal for the landfill site located in the community of Watford-Warwick wherein there are terms of reference that have been submitted to the Ministry of the Environment for the past two years. The terms of reference have changed in an ongoing process over the past two years. I'm certainly confused and I think my constituents in the area are confused as to what this company wants to do with this landfill site.

To give you a description of what the company proposes, they propose to extend a landfill site which has tonnage capacity of 2.5 million tonnes to 22 million tonnes. This would make it the second-largest residential landfill site after Keele Valley. Furthermore, what I and the residents in the area find totally unacceptable is that in the terms of reference submitted to the Ministry of the Environment, the garbage, the waste, will be piled 135 feet high. I submit to you that the water tower in the town of Watford, which is located approximately half a mile to three quarters of a mile away, is 135 feet high. I think the highest hill in Lambton county is probably 70 feet to 75

feet. Needless to say, this is not acceptable to yours truly and it's certainly not acceptable to the residents of that area.

What is the problem? The problem is that many municipalities in small-town Ontario have dealt to a certain degree with the difficulties they have with their waste. However, the megacity of Toronto, after 20 years of debate and discussion, is still wondering what they're going to do with their waste. I don't want to make this an urban-rural problem; it may appear to be one. I think there are some solutions. As part of rural Ontario, we are willing to submit some solutions on how we can deal with this problem, but I submit to you that strictly land-filling and piling waste 135 feet high in rural Ontario is not acceptable.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** It's not high enough?

**Mr Beaubien:** It's not that it's not high enough; it's too high for us. For some people in Toronto it may not be high enough, but for us it is too high.

How do we deal with it? First, I've heard in the past few weeks that Toronto wants the province and the federal government to help with regard to upgrading the waterfront. Many people would probably co-operate and support that. However, on the other hand, we have to realize that Toronto cannot send its waste to rural Ontario and pile it up. There's technology available. I think there are better recycling practices we can use. There's composting we can do. There are all kinds of different technologies and processes we can use.

I don't want to enter into the debate this morning, because we don't have enough time, but certainly the packaging industry would be a good place to start. However, I realize there's a strong lobby—whether it's for metal, aluminum or plastic, whatever it is—for people to accept the packaging we have in place today. But I would strongly suggest to you that if, as residents of Ontario, residents of Canada, we are really, truly concerned about the environment, we have to look at how we package the products we consume today.

To show you how unpopular this proposal is, I have an article here which appeared in the *Samia Observer* on May 15, 2000. It says, "Don't Dump Trash Here, Toronto Told." There's another article. This one does not deal with my riding but it again deals with Toronto garbage. It says, "Northerners Ready to Battle Toronto Trash." Another says, "Farmers Wary of Landfill if Garbage-Mine Plan Fails." It goes on and on.

When we look at the Watford-Warwick scenario, we do not have a host that is willing to accept Toronto waste



at this point in time. Having said that—I don't want to speak for all of the constituents of Lambton-Kent-Middlesex at this point—if Toronto were willing to sit down with communities and discuss how they can deal with their waste, I'm sure some of it could be shipped to rural Ontario, if we had the proper recycling facilities, if we had the proper composting facilities. I say that because we could take a problem from urban Ontario, bring it to rural Ontario and create some jobs, create some economic activity with regard to trucks being repaired and fuel being consumed.

There are some solutions but I think the will is not there with the city of Toronto, especially when we look at methane digesters today. This is technology that has been accepted around the world. It's being used in countries like Japan, Germany and France. But for some reason we're still not willing to accept that technology. There are other technologies available also and, as I mentioned, better ways of recycling. Those are available and they're cost-effective. All we have to do is be willing to do it.

1010

I received a letter from the Brewers of Ontario dated May 16. The Brewers of Ontario is a corporation, an amalgamation of brewing companies, that does a good job with regard to their recycling plan. I would like to read this comment, "... 97.6% of beer packaging sold through the Beer Store is returned for reuse and recycling. The Beer Store packaging management system protects the environment by diverting almost a half-million tonnes of packaging from Ontario's blue boxes and landfills annually." We know the technology is there if the will is there.

Let me read an article which appeared in the Toronto Star on June 10. It's entitled "Toronto Set Garbage Goal Backwards." It says, "Since 25% of the garbage is already being diverted through recycling and backyard composting, the city's goal is really a modest diversion increase to 50% of the total garbage by 2006.

"By pushing the technological envelope, it might have achieved an early diversion rate of 80% to 90% of the total, with no additional greenhouse gas emissions ...

"The companies wanted to build methane digesters, turning garbage into methane, soil and water, and using the methane as a fuel to generate electricity."

Toronto council was not very willing to accept that. It says, "City staff hope to negotiate a landfill contract allowing the city to divert progressively more garbage away from landfill, in line with its goal of diverting 80% by 2020."

**Mr Guzzo:** They'll be a separate state.

**Mr Beaubien:** I don't know if there's going to be a separate state. By the year 2020, I don't think I'm going to be here. Hopefully I'm going to be here but we never know. That's 20 years from now. That is not acceptable.

As the article says, "But 20 years is an awfully long time to continue adding to global warming."

The problem with this is that I have a lot more to say. In closing: Yes, we have to look at packaging; yes, we have to be more aggressive with regard to our recycling

and composting processes; yes, the municipalities must be willing to deal with their waste stream; and yes, the Ministry of the Environment must show leadership.

I don't mean we have to spend more money because we don't have to. It's a matter of policy. It's a matter of commitment. We must direct municipalities, whether they're small, medium or large, to deal with their waste stream to make sure of that 80% to 90% of their waste stream, which is an achievable goal and can be done immediately.

**Mr David Ramsay (Timiskaming-Cochrane):** I'd like to thank the member for Lambton-Kent-Middlesex for bringing forward this resolution. There probably hasn't been a private member's resolution brought forward in a long time that I agree with so strongly and so personally. It involves a very big and similar issue that affects my riding of Timiskaming-Cochrane. It also couldn't be more timely because Toronto is on the verge of making a decision as to the disposition of its garbage.

Unfortunately, the site at the Adams mine south of Kirkland Lake tends to be looked upon as being the favourite site at the moment of the city of Toronto, despite all the opposition that is coming to a head and developing in the Kirkland Lake region, especially in the region south of the dump. The water flows south, as we're at the top of the Atlantic Ocean watershed and the water moves north to south. Immediately south of the dump site is the little clay belt which is the biggest and most economically sound agricultural belt in northern Ontario, a very productive area.

The concerns of the farmers and residents who live south of the site are very strong and growing, especially after this awful tragedy that happened in Walkerton. People are more conscious now of groundwater, the source of much drinking water for residents across this province, probably much more than many people believe. Most of us, who don't live, as I do, on our own water system, open up a tap and take it for granted that a pure product comes out of that tap. Now our confidence has been severely shaken.

As I said, Toronto's on the verge of making a decision that I believe would be absolutely wrong, for many of the reasons the member stated, in that what is presented before them today from the Adams mine coalition is a 1950s megaproject solution where we find basically the biggest hole we have in Ontario and we bring all that garbage up and put 20 million tonnes in that biggest hole.

The site the member is talking about in Lambton I know has some very good heavy clay soils there. If we are to bury garbage, and I don't believe we should ever again be burying garbage in the ground, at least maybe you have a chance there of slowing down leachate escape, though there's not a dump anywhere that does not have an escape of leachate, which is the garbage juice that develops over the years as the water washes through the garbage. But what we have is a 600-foot-deep fractured rock pit that was blasted on a daily basis for 20 years up to the late 1980s as Dofasco extracted iron ore from that location.

We don't have a liner in this. What we have is a containment system at the bottom so that gravity brings down the leachate to the bottom and it's pumped to a water filtration plant and put out into a creek. To me, this is the biggest crap shoot you could ever imagine, as this 600-foot-deep funnel sits right at the top of this little clay belt. It is certainly not worth the risk to consider and approve such a foolish project.

I would say to the city of Toronto—I know I have to leave time for my members; I could go on for hours on this—that they should be more forward thinking, quite frankly. As the member said, they should be embracing new technology. They should, as the member says, be embracing greater diversion. Why should we be finding the biggest hole in the province and dumping all our garbage there? We could do a much better job of diverting most of the waste stream to composting, when we get a wet-dry separation system going, and all the other reusables and recyclables we should be developing so that there's very little residual waste left.

I make my plea, as I'm going to next week before the public works committee of the city of Toronto, that they need to be a proud city of the 21st century, and not embrace a 1950s-type of hide-your-head-in-the-sand solution but embrace the modern techniques of handling the waste stream. This is the way to go about it. The people in my area will not accept that garbage. As you saw from the rail blockade we had, that is just the beginning. I salute the folks who did that. I will be with them on the next one.

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I rise to speak to this resolution on waste diversion submitted by my seatmate the honourable member for Lambton-Kent-Middlesex. This resolution suggests that the province of Ontario is not doing enough to divert its waste from landfill sites and that a more aggressive goal for waste diversion is needed. The honourable member's resolution is well-intentioned. I know personally of his concerns about landfill in his riding. I'd like to take this opportunity to put some facts on the record.

Ontario's waste diversion goal is to reduce the amount of municipal waste per capita that is sent for landfill disposal by 50%, compared to 1987 levels. We are well on the way to achieving this target.

Ministry of the Environment statistics differ a bit from what we've heard this morning. By 1997 the province had achieved a waste reduction rate of 35%. We expect that when the 1998 results are in, Ontario will be at a 39% per capita waste reduction rate. Between 1994 and 1998, Ontario municipalities increased their total waste diversion rate from 860,000 tonnes to more than 1.25 million tonnes. This is a 45% increase. Backyard and central composting of organic material increased by 57% over that same period, and blue box recycling has grown by 43%.

1020

As members may know, Ontario's blue box program began in 1985 and it has evolved into one of the most comprehensive curbside recycling systems in North

America. In fact, the blue box popularity has made Ontario's municipal curbside waste diversion rate among the highest on the continent. Under provincial law, municipalities with populations of 5,000 or more must provide residential blue box collection of at least seven recyclable materials. More than 90% of Ontario's population now has access to this program. As I mentioned, in 1998 Ontario municipalities diverted a total of 1.25 million tonnes of waste from disposal, again, as many of us know, through reduction, reuse and recycling. Blue box programs were responsible for 650,000 tonnes of that figure, a 9% increase over the previous year. The total tonnage of municipal waste diverted from landfill in 1998 also increased by 9%. This amount of diverted waste would fill more than five SkyDomes—and don't get me wrong; I'm not suggesting this is a use for the SkyDome.

In 1998, some 476,000 tonnes of waste paper was recovered from Ontario households, an increase of 11% over 1997. Over that same period, the total tonnage of material for centralized composting, such as leaves and yard waste, rose to 290,000 tonnes. In the same year, 1998, the average Ontario household recycled a total of 168 kilograms of material, compared to 159 kilos the year before.

I think it's important to point out that the blue box program is highly cost-effective. On average, the program costs Ontario households about \$14 a year, just over a dollar a month. Over the past decade and a half, the blue box program has proved not only that it's good for the environment but also that it works, and Ontario's future waste diversion efforts are designed to build on the strengths of this popular and successful approach.

It's clear that Ontario has made progress in waste diversion, but in the future we aim to do even better, as urged by the member from Lambton-Kent-Middlesex. To that end, the government has entered a new partnership with industry, municipalities and the Recycling Council of Ontario to create the Waste Diversion Organization, also known as WDO.

The WDO is a voluntary partnership that was set up through a memorandum of understanding. The organization's mandate is to ensure that Ontario meets its 50% waste reduction target—not only meets that target but exceeds it, as urged by the resolution we're debating today. To date, the WDO partners have contributed a total of \$14.5 million to carry out a wide range of diversion activities.

One of the WDO's key tasks is to develop options for sustainable funding of up to half of the operating costs for the blue box program. This will ensure that this popular and effective approach to recycling remains a permanent feature. In addition, WDO has been asked to develop a household special waste program, again including options for funding.

As part of the partnership agreement, the Waste Diversion Organization is currently working on a number of important initiatives: programs to increase blue box efficiency, programs for centralized composting, funding



to establish municipal household special waste depots and continued funding for the collection of glass wine and liquor containers through the blue box program. The WDO will provide municipalities with the funding they'll need to drive greater waste diversion to meet and to exceed that 50% waste reduction target and to provide recommendations to government for the long-term stability of the blue box program.

Referring back to the resolution, I'll quote one portion. It "Resolves that the province must now employ cost-effective, modern technology, which is presently available as a progressive process to manage and dispose of waste." By and large, this resolution has admirable goals: We all want to see more waste diversion; we all want to see less landfill, less garbage; we want to see more technology, as this resolution calls for.

In the resolution, if we employ more technology, we have to be cognizant of the cost, the cost to industry. The question is, does this resolution mandate the taxpayer to foot the bill for development of new technology or are options open that it be funded through the private sector, through the WDO, through municipalities, through users themselves? If the member means the broader scope in this resolution, I can support this resolution.

The blue box program, as I said, is only part of the waste management initiatives available. I believe it's important to note a number of other achievements. In 1997 the government introduced tough new landfill standards to protect the environment, while making the approvals process more timely, certain and more cost-effective. This has involved major reforms to improve Ontario's environmental assessment system, including a more effective approvals process that is more workable and efficient. The changes were designed to provide a faster yes to projects that are environmentally acceptable and a faster no to ones that are not.

These are several of a number of important reforms which, together with the track record in the blue box program and, as I am stressing, current and future efforts of the Waste Diversion Organization, we feel demonstrate the government's commitment to protecting Ontario's environment and to meeting our waste diversion objectives.

**Mr Steve Peters (Elgin-Middlesex-London):** I would like to take this opportunity first to recognize a municipality that has not only achieved but exceeded the goals of 50% diversion by the year 2000, and that municipality is the city of St Thomas. The city of St Thomas recognized that they had to do something with their waste management and they have more than met that goal by 60% of the municipal household waste being diverted from landfill sites.

You talk about the province committing to and embracing diversion programs. I wholeheartedly agree with that statement. But there has got to be a caveat attached to that statement, and that is that there has to be financial support from the province. You can't continue to download new programs on to municipalities. Municipalities require financial support. There used to be

financial support for the blue box program, but when this government was elected they cancelled that funding to the blue box program. That was a real shame.

If you're going to look at issues, why don't you look at the possibility of deposits on bottles and cans across this province? Why don't you look at what you've done to your beer can levy, the environmental tax on beer can levy? That tax was supposed to be dedicated to help environmental programs. That has now gone into general revenues. Now for beer cans you're paying an additional levy, which is totally unfair.

You talk about consumers. We all here in this room very much have a choice. We can choose not to buy a product because of packaging and we do have that ability. But the province has to take the lead. But in order for them to be successful, they need to have that financial support offered to municipalities.

Let me just relay our own situation. In 1991 the city of St Thomas found its landfill closed. We recognized that we had to do something. In 1994 we introduced a pilot project with 1,000 households which developed a three-stream system of waste management: first, the blue box; second, your regular garbage system; but the most important component of the garbage system was the green box, the compostainer. Then we went city-wide with this project in 1995.

#### 1030

The large compostainer sits in your backyard just like a regular garbage can and is collected on a biweekly basis. Into that compostainer you can put your yard waste, your coffee grounds, your pizza boxes, your milk containers and a whole variety of items that previously weren't acceptable to go into the blue box and would have gone into a landfill. So for St Thomas, a city of 12,000 households, we have been able to achieve a waste diversion of 60%, all at a cost of \$107 per household. It's a very cost-effective way to help the environment and also keep costs low.

The compost that goes through the central composting facility comes out 26 days later as new soil—soil we can use within our parks system, soil householders can use, soil that can be put on agricultural fields. There's a good end product as a result of that.

St Thomas has also taken the initiative to make sure that leaves and woodcuttings don't go into landfills. They offer a regular service so that you can take wood down to a chipping facility.

We've tried very much to be a leader; to ensure that we would keep out of landfills items that shouldn't be in landfills.

I want to talk a little bit about the Toronto garbage situation. I think it's incumbent on the provincial government to be making it clear to the city of Toronto, which wants to be the province of Toronto, if they're going to be shipping their waste elsewhere, that everything possible is done to ensure it has been fully recycled and blue boxed. It should be composted so that the residual that's going to a landfill site is inert and is not going to be producing a leachate.

I think there's a real opportunity for all municipalities in Ontario to look at what has been going on in St Thomas and use that example for other municipalities and for one of the largest, or probably the largest, garbage producers in Ontario, the city of Toronto. Before the city of Toronto starts to ship that garbage out, let's make sure we've done everything possible to ensure that garbage is going to be safe and is not going to be producing a leachate that's going to cause long-term environmental effects.

I commend the member for Lambton-Kent-Middlesex for his resolution, but the financial support of the province must be there.

**Ms Marilyn Churley (Broadview-Greenwood):** I must admit when I read the resolution—and I'm going to read it aloud so I can tell you, although the word hasn't been mentioned yet, about a concern I have that I want to talk about.

"That this House,

"(1) Acknowledges that only 30% of Ontario's waste diversion goal for the year 2000 has been reached so far;

"(2) Resolves that the province of Ontario must commit to and embrace a diversion program which reduces the need for landfill space and garbage disposal;

"(3) Resolves that the province must now employ cost-effective, modern technology, which is presently available as a progressive process to manage and dispose of waste; and

"(4) Urges that a more aggressive objective than the present goal of 50% be established to divert waste away from landfill sites."

I have to admit that when I saw this resolution, alarm bells went off. I listened carefully to the member's speech on television from my office—I wasn't in here—for mention of the word "incineration," because it's not in here, and when we talk about modern technology and using the latest modern technology, alarm bells do go off.

I could say I started my political career fighting garbage incineration. I never knew I'd end up as a politician, as a result, fighting some other kind of garbage. That one went by, I believe. But here I am, and I would like a reassurance from the member who brought this before us today—although I admit he didn't mention it—because I want to support this resolution but I certainly don't want to do anything that will encourage garbage incineration again in any way.

There was a proposal back in the 1980s to build two giant garbage incinerators in south Riverdale, which had already been very badly polluted by lead, which I've mentioned in this House before, and by all kinds of other industry in the area. We had the old Commissioner Street incinerator there, and after we killed the plans to build two garbage incinerators in the riding, we finally got that one—the old, polluting incinerator—closed down.

Of course, there are a lot of people and a lot of big corporations who continue to lobby the government and others to allow incineration into Ontario, saying that the technology is so great now that there really is virtually no pollution. That's absolutely impossible. Even with the

best pollution abatement equipment, you've got a problem where there are going to be some dioxins going up the stack and furans and other dangerous pollutants spewed into our air, into our water and into the food that's growing in our fields. Even if it's a tiny amount, there is zero—very clear now—zero tolerance for dioxins. That's one part.

Also, the more pollutants, the better the equipment, the—whatever they call it these days—abatement technology, the more you actually have going into what's called the fly ash, or the bottom ash, that becomes hazardous waste and has to be disposed of. That's getting increasingly difficult to do. With air pollution the way it is today, and more and more knowledge we have about the danger and the fact that air pollution and smog causes deaths and all kinds of hospital admissions and problems, the last thing we need is anybody talking about incineration as one of the new technologies we could be using in this province.

The other thing I'd like to say about incineration is that in fact it would go against the member's resolution today, which is really focused on the three Rs—I believe it is, it should be. Incineration has a negative impact on those three Rs, because these big, huge garbage incinerators need a lot of waste. They have to burn at a very high temperature, because it's the mixing of plastics and certain other things that creates the dioxins and furans right in the burning process. The higher the temperature, the less of that there is, so it's critical that it's kept at a very high, steady temperature at all times. So in fact it's the wrong way to go just in terms of resource completion, when we're just burning this stuff up, and the need to have a lot of it.

Having said all of that and getting on the record again that we, as a government, banned garbage incineration as an option, and that is still very much the NDP position, it is the wrong way to go for all of the reasons I outlined and more. So now, coming back to what I hope is really the intent of the resolution today: the three Rs. On January 13, 2000, I released a press release entitled "WDO is more PR than three R". The WDO, for members who may not be aware, is Toronto's new Waste Diversion Organization, which was set up—I believe the minister then was perhaps Norm Sterling. There have been so many environment ministers that I can't remember whether it was him or Tony Clement. What it did, and we pointed it out at the time, was let the private sector waste producers off the hook when it came to paying for Ontario's blue box program. If we want to make this work, we have to have a partnership between the province and the municipalities.

I can't help but, as a representative from a Toronto riding, when I hear a lot of Toronto-bashing this morning in terms of the municipality not doing enough—I know that the city of Toronto, having been a city councillor at the time because, as I said, fighting garbage incineration brought me to ending up running for Toronto city council as an environmentalist, worked very hard prior to that to get the blue box recycling program up and running.



We've learned a lot from then about how we can do things differently and how in fact recycling should be the last option of the three Rs. We should be reusing as much as possible.

**1040**

Toronto has done an awful lot to divert waste, and has been virtually on its own. The government allowed the provincial funding that had been in place to die and took some time before they got back to it, and then what they did was create this Waste Diversion Organization. It lets them off the hook because they would rather see municipal ratepayers continue to carry the blue box burden than ask their industrial friends to pay for the recycling of the waste they produce. The municipal taxpayers—this was at January 13, 2000—were paying \$46 million annually to support the blue box program. The announcement that was made devoted only \$4 million a year from the LCBO and said nothing in the way of direct, private sector producer contributions to help municipalities.

I would say to the member that it's all very well to say that the city of Toronto isn't doing enough on its part. It's a huge city and there are a lot of people who come in from out of the city to work who generate garbage here as well. We've got to make sure that the province is there and that the industrial waste producers are paying their fair share. I recognize the member said packaging is a huge part of that, and I appreciate his comments on that and support them. A lot more needs to be done and industry itself needs to be doing it.

But this WDO did nothing to bring about private sector producer funding for the actual day-to-day cost of running Ontario's blue box program. It handed them control of the program, but did nothing to bring about any kind of funding. Blue boxing should be under public control. The government promised that environment and consumer groups would be represented on the board. They weren't there. The Recycling Council of Ontario was there, but it's all industrial reps, some of whom I have a great deal of respect for. We were promised those consumer and environmental representatives and, all but one, they're just not there.

The very industries that are the biggest producers of waste have a majority of the votes, giving them effective control of the WDO and the future of the blue box program. The provincial government then had an opportunity to come back in a good, strong partnership with the municipalities, including Toronto, to divert more waste. There is a goal to divert 50% by 2000 and the government has admitted that it's not going to be able to meet that goal.

The Tories cut blue box funding in the early days of their mandate, killed the project for the LCBO to implement the deposit-return system and opened the door to dramatic increases in the importation of US hazardous waste to Ontario landfills. That's some of the record of the government. Perhaps this resolution before us today can help convince the member's government that they need to come back and start funding and playing a real partnership role again in waste diversion in this province.

The hazardous waste issue is one I simply must get to for a moment in talking about waste because of the Safety-Kleen situation that was raised in the House yesterday, which is very troublesome. Hazardous waste from the US has increased. In 1995 there was already too much coming in, 50,000 tonnes a year. It's grown to 288,000 tonnes a year now. Ontario's now open for business for US hazardous waste. It's making Ontario into a waste dump. The toxic waste that goes to the Safety-Kleen landfill in Sarnia has just filed for chapter 11 bankruptcy protection in the United States. Safety-Kleen is going bankrupt and there will soon be nowhere to put the 288,000 tonnes of toxic waste that the Harris government has invited into Ontario.

The huge landfill, as pointed out, in Keele Valley will be closing in two years. We read in yesterday's newspapers that farmers in northern Ontario are so worried about the plan to ship Toronto garbage to the Adams mine site that they put up a roadblock to protest this crazy scheme. I understand why northerners don't want to take the garbage, although there are some who do because they've been bribed. They've been promised some jobs and people get desperate for jobs, but there's real concern about the water.

We've known for years that the Keele Valley landfill was going to close, and the government hasn't paid any attention to it and isn't ready for it. They tell you it's a municipal responsibility. Our government—I guess rather stupidly in hindsight—thought we were doing the responsible thing, because there are so many problems dealing municipality by municipality with garbage disposal, and we took it upon ourselves to take responsibility. Boy, did we get in trouble. It was the wrong thing to do because no matter who's dealing with garbage—wrong in the sense that it's really politically stupid. We nearly got killed over that one, but we did decide to take on that responsibility.

This government immediately—I understand the political reasons better than they do, believe me, the political downfall to this one—put it completely on to the municipalities to deal with, but their not taking any responsibility for it and their downloading and amalgamation have left Toronto ill-equipped to solve this problem. They know that at the end of the day citizens will look to Queen's Park for a solution. If you look historically at what's happened with garbage dumps, it's extremely controversial, extremely difficult. At the end of the day, once it becomes an issue—believe me, this government has been very lucky. I know the Liberal government before the NDP government was dealing with horrible issues around landfill and then we continued to try to deal with those. It hasn't been an issue for a while, but it's coming up again, and let me tell the Harris government, the members who are here today, that when it does, they're not going to be able to escape taking some responsibility for it at the end of the day.

I would say to the member that I think I support his resolution. I know he's going to have two minutes to sum up at the end and I would like reassurance that this

technology language in here just applies to the three Rs—composting, recycling and reusing and all of those things—and that we're not talking about incineration.

**Mr John Hastings (Etobicoke North):** I'm happy to join in today's consideration of the member for Lambton-Kent-Middlesex's resolution regarding how we deal with the environmental choices, which are always tough in terms of garbage disposal.

It's interesting to follow the member for Broadview-Greenwood in terms of her being a fighter for the environment and her great concern going back to the release of dioxins in the air over the Commissioner Street landfill and the whole area of burning waste. But in point of fact the old city of Toronto made some progressive moves in terms of diverting waste to steam in the Toronto District Heating Corp. I think it's a good example of what the city has been able to do on its own, and it didn't get a lot of money from anywhere else.

What I find ironic in this whole debate over the last few days about the culture of blame involving the environment is that it's easy when you're out of government—and I have been out of government. When you're on a city council, you get this opportunity—the member for Toronto Centre-Rosedale may get that opportunity some day—to engage a little more in the culture of blame, but one of the problems around the tough choices you make in selecting how you're going to deal with the garbage from society is the whole point of risk minimization.

It's quite ironic. The member for Broadview-Greenwood is very concerned about the member for Lambton-Kent-Middlesex's technology dimension, how he wants to move in this area. She is very concerned about the release of dioxins and that there are no technologies available that are 100% foolproof; if you have one component, one part per million of a dioxin from burning, then that invalidates the technology.

**1050**

Yet it's interesting to note that when you look in the context of risk minimization in terms of choices in how you're going to deal with garbage, and the health problems related to it, there didn't seem to be too much of a problem when Dr Walter Pitman engaged in a two-year consultation, when Mrs Grier was the environment minister. They went around the province and then they produced this very fat, elaborate report—25 copies we got at Etobicoke city council, about three for each member—of where they could set up garbage sites on some of the prime farmland. The member for Dufferin would know very much more about that than we do. We never hear anything about that from her. I think they spent about \$50 million.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** They wouldn't tell us.

**Mr Hastings:** They weren't going to tell exactly.

Whitevale was another area, out in Durham, where there was a big fight over garbage.

**Mr Guzzo:** That was Ruth Grier, though. She's gone now. So is Bob Rae.

**Mr Hastings:** But it's a good idea to remember these things.

The one that I really want to put on the record today—you talk about risk minimization, where you want to make sure your urban population is protected, contained as much as possible, against the pollutants coming out, as the member for Broadview-Greenwood is with the burning of garbage, and I think it's a rightful concern. But there wasn't much concern back in the days of the NDP government when the Ministry of Health of that day—and it wasn't until Minister Wilson came in in early July 1995. Do you know what the ministry proposed in the government of that day? A level 4 lab right in the middle of about 250,000 people in the ridings of Etobicoke North, Etobicoke Centre and Etobicoke-Lakeshore. What does this level 4 lab involve? Well, at that time the ministries of health in Ottawa and in Ontario wanted to locate an area where they could do some very serious research on the worst types of viruses that mankind has ever seen. Two of them are the most ravaging, if you've ever read anything about it—ebola. If you get ebola into you, and if you've ever seen some of the pictures of the victims, the blood rushes out, the skin darkens and you die a very painful death. There sure wasn't much risk minimization when the NDP government of that day was proposing this level 4 virus lab in North Etobicoke. Marburg was another one.

What did we do? We cancelled the thing so that the federal government would take the appropriate responsibility, and they put it in Winnipeg, away from urban populations. Surely the member for St Thomas wouldn't want to defend that indefensible decision, to go ahead with this type of level 4 lab in the middle of a large urban population. And to boot, we had Pearson International Airport—flew right over it. Were we prepared? Did we have the security? Even the police—were they consulting about it?

The members opposite are great at always condemning us for never undertaking sufficient consultation. Guess how many hours of consultation we had on that proposal? Two hours, member for Broadview-Greenwood. This was a proposal—

**The Acting Speaker:** Thank you. Further debate?

**Ms Caroline Di Cocco (Sarnia-Lambton):** I would like to say that I'm pleased to speak on this resolution. This whole issue of environment and environmental responsibility, it's a culture of responsibility, it's not a culture of blame. The students who are sitting up in the galleries understand what it means when we talk about recycling and the culture of responsibility.

I want to say that Mr Beaubien's resolution acknowledges that only 30% of Ontario's waste diversion goal for the year 2000 has been reached, and I certainly have to agree with that.

Secondly, it resolves, "That the province of Ontario must commit to and embrace a diversion program which reduces the need for landfill space and garbage disposal." I say that the second part of this resolution, that Ontario "must commit to and embrace a diversion program," is



quite simplistic. I understand we must look at how we dispose of our garbage. On the other hand, it's a lot more complex than that. I believe there has to be leadership on the part of the provincial government, and it has to also deal with the source. There are no incentives at the source, where this garbage is being produced.

One of the reasons that the waste diversion goal hasn't been reached is because there has been no substantive commitment on the part of the provincial government. Basically what they have done is make wonderful motherhood statements on diversion, but they really have taken away some of the tools of the municipalities by taking away funding for blue boxes etc, so that the burden now rests on the municipalities.

The other problem I have, and I guess it's quite confusing sometimes, because when we talk about diversion I have a contradiction in my own mind when it comes to the expansion of a hazardous toxic landfill site that was done in 1997. They went from 100 acres to 300 acres. In 30 years we filled that 100-acre site up, and over the last two or three years we've also filled the other 200 acres. Why? Because under this government the process of expansion—they did it quietly. They had no public hearings for the expansion under the Environmental Protection Act and under the Environmental Assessment Act. They literally opened their doors to toxic hazardous waste from other parts of the world, not just the United States. That landfill has had importation of waste from as far away as Saudi Arabia and from the Caribbean, and it's coming to Sarnia-Lambton. Why? Because we have not kept up with regulations to keep the standard of how we landfill. First of all, impose stricter standards. No, we can't do that because there is no real will, because under this government we have to take hazardous waste and it's now a commodity. It's a commodity just like any other produce is.

Although I commend the wording of this resolution by the member, I must say it was under his watch that we actually expanded a provincial landfill site in my constituency that is causing a great number of problems and will continue to do so. It's a heck of a legacy to leave our young people for the future.

Number 3 of this resolution says that "the province must now employ cost-effective, modern technology." I would hope this does not mean we're going to go into incinerators. I hope this means we have to have a comprehensive and substantive discussion and substantive will to actually deal with all of the aspects of our waste, from where we produce it to our recycling and then our diversion or how we're going to landfill.

**The Acting Speaker:** In response, the member for Lambton-Kent-Middlesex.

**Mr Beaubien:** I would like to thank the members for Timiskaming-Cochrane, Haldimand-Norfolk-Brant, Elgin-Middlesex-London, Broadview-Greenwood, Etobicoke North and Sarnia-Lambton for their comments.

As I mentioned, I didn't want to pit this problem between rural and urban communities. However, it does raise a few flags when I hear comments on an article

which appeared in a Toronto newspaper not too long ago. One councillor was quoted: "Asked why he didn't simply go for yesterday's portion of the tour, he said he wasn't going to spend four hours on the road getting back from Detroit. 'Forget it ... that's stretching the envelope beyond reason.'" The second councillor said, "They take me to see a garbage dump ... and I say, OK, there's the hole." That's exactly the problem that I'm talking about.

I don't want to see a fight between rural and urban Ontario. I think basically I'm urging the city of Toronto to talk to small communities, to discuss the problems they have. As the member for Elgin-Middlesex-London pointed out, his former community is dealing with their problems. I have many communities in my riding that are dealing with their problems by using the three Rs, by using further technology. I've heard "incineration"—I don't even want to talk about incineration. I mentioned methane digesters, which is very acceptable, which has been proved quite safe in other jurisdictions, but there seems to be a reluctance to go on to new processes. Until we go on to new processes, we're going to be stuck in the same generation with the blue box. The blue box did a good job; there's no doubt about it. It educated the public. But we must go beyond the blue box system. We must expand on this. I would like also to inform the members that as a government, we have to deal with the packaging industry.

**The Acting Speaker:** This completes the time allocated for debating the item. The question will be put at 12 noon.

1100

## DRINKING AND DRIVING

**Mr Gerry Martiniuk (Cambridge):** This morning I am moving that this House:

Commend the government's initiative of stiffer penalties for drunk drivers and the use of ignition interlock for those convicted three times, and after, a 10-year minimum sentence is served, and that remedial measures programs completed;

Ask the Ministry of Transportation to re-examine the use of ignition interlock for individuals convicted of impaired driving prior to the third offence;

Resolve that the province ensure that the use of ignition interlock would be an additional administrative sanction and would be in addition to court sentences;

Encourage the Ministry of Transportation to examine ignition interlock initiatives in other jurisdictions;

Encourage the Ministry of Transportation to continue consultations with stakeholders working to eradicate drunk driving;

Resolve that the province of Ontario must continue to ensure the safety of motorists travelling our highways by continuing to strengthen and enforce drinking and driving laws.

**The Acting Speaker (Mr Michael A. Brown):** The member for Cambridge has up to 10 minutes.

**Mr Martiniuk:** My resolution from this side of the House will also be addressed by my colleague Garfield Dunlop, member for Simcoe North, who, I should add, has worked closely with victims' groups in regard to the drunk driving issue and feels very strongly in that regard. I will also be sharing my time with John Hastings, member for Etobicoke North, who has always been a strong advocate for victims.

A sudden death, an untimely death of a young adult, an innocent victim. We read the declining statistic of 232 deaths due to drunk driving in 1996, but it doesn't seem to register. We seem to accept these numbers as a statistic of traffic accidents, the cost of automobile travel, but it is a great deal more than that.

Friends of mine for over 30 years recently lost their young son in an alcohol-related accident. When I attended the funeral, I saw the anguish and the grief of the family and friends and it had a great impact on me. It was a tragedy. It was a tragedy, because it could have been prevented, and we as a society must do everything possible to stop this slaughter of innocents on our roads.

At the beginning of summer, Ontario families will travel in record numbers to cottages, to visit with friends and family across this great province. It is more important than ever, then, that we send a strong message to Ontarians that we will not tolerate drunk drivers on our roads.

It must sink in that drinking and driving is the leading cause of death on Ontario roadways. Families who travel in our province deserve to be protected against this ever-present threat of a drunk driver. The victim may be a child, a mother, a brother, family or friends. In every case, the victim of a drunk driver is not only the family but in fact our entire community.

In the most recent statistics, 232 people were killed by drunk drivers using Ontario roads. This number was approximately 25% of all road fatalities. Yet in recent reports we have 21,481 Criminal Code convictions in one year for alcohol-related offences. To put that into perspective, that number of people would fill the Air Canada Centre to capacity, and then some. And these are only those who are caught and convicted.

In 1997, at least 4,018 drunk drivers, 11 per day, were involved in accidents in Ontario where injuries or fatalities were caused. We can no longer tolerate this behaviour as legislators, and we must use every available weapon against this horrific crime.

At present, Ontario has some of the toughest drinking and driving sanctions in Canada. In the early 1990s, to the credit of the former government, graduated licensing was introduced for new drivers on our roads, and drinking and driving for new drivers was totally prohibited. In 1995, we doubled the dedicated funding for RIDE programs, sending a strong signal that the police would be out in force combating drunk driving.

In 1996, we introduced a 90-day administrative licence suspension, and that hopefully will have an effect on the statistics being released. We also introduced a strongly focused marketing program aimed at drunk drivers and the risk to Ontario families.

In 1997, we increased fines for drivers who drive while suspended, and increased resources for courts and police enforcement.

In 1998, we introduced mandatory remedial measures prior to relicensing, and increased licence suspension periods to three years and a lifetime for second and subsequent offenders respectively.

In 1999, the government continued its tough stance against drunk driving by introducing a vehicle impounding program for drivers caught driving while suspended for Criminal Code offences. That vehicle is impounded no matter who the owner is.

In 1999 the government also acknowledged the value of devices such as ignition interlock by offering a potential reduction in lifetime suspension for third-time offenders, after 10 years, who met certain criteria, such as 10 years with no illegal driving offences; successful completion of remedial courses; graduated licence eligibility; proof of insurance; and agreement, of course, to pay for the installation and monitoring of the interlock unit. While this program is a good first step, I believe we can investigate how this technology can be used to save lives in the near future.

My resolution asks the Ministry of Transportation to invest in and implement the expansion of the use of a device known as an ignition interlock. I believe this new technology will save lives. Consultations will have to take place with the stakeholders, including the Ontario Community Council on Impaired Driving, the umbrella group that includes PRIDE and MADD. It will also have to take place with the police, crown's and others. The Ontario automobile association has already approved this resolution.

Mr Speaker, could I take this time to ask for unanimous consent from this House to show the instrument we are dealing with when I talk about an interlock unit?

1110

**The Acting Speaker:** Do we have unanimous consent? Agreed.

**Mr Martiniuk:** Through the miracle of modern technology and miniaturization, this is the total unit involved. This would be the computer part of it. This would be the connection for either downloading or for connection to the automobile. This, of course, is the instrument one would blow into. It's rather compact. The cost of installation, as I understand it, runs at about \$150 and the cost of monitoring per month runs at about \$90. With the miracle of miniaturization, this technology is now available to save lives.

The information recorded on this machine also would be things like the number of attempts to start the vehicle while breathing over a prescribed limit of alcohol in your blood and things of that kind, which could be subsequently monitored, of course, by the Ministry of Transportation. With the advances in technology, it is virtually impossible to bypass the system, and concerns about false readings from perfumes, cough syrups or substitute samples by others have essentially been eliminated.



I should say that the instrument in question was provided to me by Guardian Interlock Systems, Mr Ian Marples.

This device is truly a life-saving tool that could be used to its fullest as a weapon against drunk drivers on our roads. I would ask all members of the House to support this resolution. I should take this opportunity to thank my friend and colleague Mike Gravelle for pointing out the—

**The Acting Speaker:** Thank you; the member's time has expired.

**Mr Michael Bryant (St Paul's):** I rise today to speak on this matter on behalf of the official opposition. We of course support the resolution. The resolution is in support of a crackdown on drinking and driving. The Ontario Liberals want safer streets and safer highways and want to stand behind Mothers Against Drunk Driving and all those groups both representing and supporting victims of drunk driving, so of course we will support the resolution.

That said, it is regrettable that this is simply a resolution. As ever when it comes to matters of justice, this government is all talk and no action. We should have a government bill dealing with mandatory interlock, not to be phased in over a 10-year time period, not to be phased in for third-time offenders or second-time offenders, but to be mandated for first-time offenders. We need a government bill on that immediately, and I call upon the government to do so.

It's interesting. This government is a little slow off the mark to deal with the important issue of ensuring that no conditional sentences are permitted for drunk driving causing injury or death. On April 13 of this year, both myself and Mothers Against Drunk Driving held a conference in which we called upon the government to ensure that no conditional sentences would be sought by the prosecutors, by the courts, and if they were ever handed down by a judge that they would be appealed. In particular, we called for a zero-tolerance policy. That was on April 13. What I said at the time was: "Ontario Liberals join victims of drunk drivers who believe that the Harris government is too soft on offenders. We need to send a loud message to Ontarians that drunk driving is a serious crime that simply won't be tolerated."

Thanks to the efforts of MADD on that day, the Attorney General had to meet with MADD. The Hon Mr Flaherty had not responded to the Mothers Against Drunk Driving letter to the Hon Mr Flaherty after he had been appointed which would have led to this meeting. As a result of this embarrassment, frankly, in the media, a meeting was held, and lo and behold, on April 24 the Attorney General announced that in fact a zero-tolerance policy would be instituted with respect to drunk driving causing injury or death. We obviously support that because we called on the government to do so.

My other comment is with respect to the specifics of the interlock program. Back when the bill that has been referred to, Bill 183, was initially introduced, Mothers Against Drunk Driving appeared before the standing

committee on social development on June 17, 1997. John Bates made the presentation on behalf of MADD. He said that everybody was calling his office asking the question, "Why wait?" with respect to the interlock devices. He said at that time: "The interlock is a proven and reliable device. There is no reason to wait to start implementing its use, even on a first offence, when we find a high BAC driver. The recidivist is most likely to be found in this group. But as the bill is written, we may have to wait 20 years to see the first interlock installed."

That's the problem right now with the state of interlock devices in Ontario. I would call upon this government to take the advice of Mothers Against Drunk Driving, which was given a long time ago. We're talking about June 1997, and we're hearing a resolution patting themselves on the back here in the spring of the year 2000. So we would call upon them to take the advice of MADD and bring forth legislation that would ensure that the recidivist is addressed at the outset. As soon as somebody is convicted of such an offence, one of these interlock devices should be mandated and put in that person's car.

Lastly, I'm going to share my time with the members from Thunder Bay-Superior North and Essex. Again, we support the resolution, but the government is not doing enough in this area. They're talking the talk about doing something to stop the plague of drunk driving, but they're not doing anything.

**Mr Bill Murdoch (Bruce-Grey):** Oh, give us a break.

**Mr Bryant:** The parliamentary secretary to the Attorney General says, "Give me a break." Stop bringing forth resolutions and start bringing forth some legislation so we can actually do something. Take the advice of Mothers Against Drunk Driving, take the advice of all those victims of crime who say, "Put the interlock devices in right now."

**Mr Gilles Bisson (Timmins-James Bay):** I want to rise and support this particular motion. The member brings forward some valid points in his debate, talks about an issue that is important to all of us, and that is an issue of safety on our highways. We want to know, when we get behind the wheel of our car and are driving down the 401, 400, Highway 11 or wherever it might be, that we don't have somebody coming at us in their vehicle in an intoxicated state. Far too often, when those accidents happen—and I have no other way of finding the word—people get killed.

This is what this is all about, to make sure we as legislators find a way to minimize some of the danger on the highways from those people who habitually drive while under suspension, in some cases not allowing them to get that far, but more important, to deal with those people who are really habitual drinkers who have a problem trying to stay out from behind the wheel when they're drinking. So I want to say up front that we support this.

I also want to say that our former Minister of Transportation, Gilles Pouliot, had done a lot of work with various people within the ministry and within the private

sector on this issue, did a lot of work to study this, take a look at it, see what needs to be done. I'm glad to see that the member opposite is taking some of that work and bringing it forward and recognizing the work we did as a government to deal with this issue. I'm glad to be here today to support this initiative.

I wanted to say I took the liberty of going across the way, of picking up what I now have the permission to utilize in the Legislature. It's a very neat little device, the idea being that if a person is charged with drinking and driving and eventually gets their licence back, in certain cases what would end up happening is that that particular driver would have this piece of equipment installed by order of the court. The equipment is very easy to use. It's put into the car, plugged into the electronics, and it works simply by putting your key into the ignition, turning it, and it won't start. You've got to blow into the machine, and the machine will say if your blood alcohol level is below the acceptable point. If so, the car starts; if not, it doesn't start. This is a neat little device, when you think about it, made by Guardian Interlock; "WR2 model," it says—a little bit of advertising for the company. What it does that is more important, in my view, is that it also records those particular occasions when the driver has tried to take the car. So we can go back and look, from a law enforcement perspective and a Ministry of Transportation licensing perspective, at the occurrences of that driver trying to drive that car while intoxicated. I think that is a really good part of the system, because it gives us some of the data we don't presently have sufficiently within the system. It allows us to look at the measures we're going to need to take to deal with it.

1120

I want to thank Mr Marples for allowing us to utilize this equipment. If anybody's interested, they can telephone him at 905-670-2296. His e-mail is [irmarple@acs-corp.com](mailto:irmarple@acs-corp.com). I thought I'd give you a little plug in the Legislature free of charge on behalf of the NDP. We want to send some business your way, trying to make business grow in Ontario.

I say this categorically. I support what you're doing, no question, but we also have to realize that this doesn't solve the entire problem. What we're now doing by accepting this particular motion is to say we will deal with those people who have been charged with the first offence. It doesn't deal with those people who are out there driving who are going to get charged or, unfortunately, get into an accident and kill somebody. That's the other issue that this Legislature has to deal with.

In fairness to this government, it has been, as was the previous NDP government, very aggressive at finding ways to deal with drivers who are intoxicated. I can remember, in the last Parliament under the Conservative government, at least on one or two occasions passing legislation in this House where we tightened up the rules around drinking and driving. I commend the government for that. I don't often stand up and say the Conservatives have done good work, but on that particular issue I think

we can agree that the government has been very aggressive in dealing with the issues of drinking and driving.

I also want to acknowledge the work our government did. When we were in government, from 1990 to 1995, we also went a long way to deal with the issue of those first occurrences of somebody who's drinking and driving, raising the bar in terms of when people lose their licence and for how long, and being a lot tougher on people who are driving while intoxicated.

I've got to say for the record, we know that the thing that really prevents people from getting behind the wheel and drinking and driving is the fear of getting caught. Unfortunately, no government—I'm not going to be partisan on this one—has really dealt sufficiently with that issue, I believe. This particular device is only going to deal with those people who did get caught and where there is a conviction. But we know most of the charges before provincial courts now are first offences. Unfortunately, this device is not going to work in that case, because how would we put it in the car if a person we don't yet know about has a habit of drinking and driving?

What we need to do as legislators is have the government move to find ways of deterring people from drinking and driving, and what's the biggest thing? It's the fear of getting caught. If I've had a couple of drinks and I know there's a real, good possibility I will get caught drinking and driving, I will not get behind the wheel of the car. That's how most people think. If people think, "Oh, I can get away with it. I saw my buddy at the bar. We were at the Balmoral Hotel or the Palmour Tavern or the Kap Inn and I saw my buddy get in the car and he drove home and he didn't get caught," it sends a message to people out there that maybe it's worth taking the risk, maybe there isn't a consequence to our actions, and people end up going out and doing that.

Listen, it's a dangerous, dangerous practice. Unfortunately, we have far too many people who've been killed in this province and others where people have gone out and taken that chance. If we're able to put deterrents out there by making sure our RIDE programs are really beefed up so that when you go out on Friday night, Saturday night or even during a weeknight—we see police officers out on Highway 11, we see them in our communities, we see them on Highway 400 stopping people and doing the RIDE program activity of looking at what's going on in the car and in some cases getting them to blow and charging them. If drivers know there's a really good chance of getting caught, they're not going to drive when they're drinking.

Unfortunately, we're at the point in this province where people haven't got the message, and far too many people still, even with the work we've done and the progress we've made up to now, are driving while they're drunk. I think the reason is that there are not sufficient deterrents to stop them. We can put in the strictest laws we want. We can decide as a Legislature to put laws in place that say, "We're going to ban you from driving for life." It might sound like a really good thing



politically, but at the end of the day if the person thinks they can get away with it, it doesn't mean a hill of beans.

So I call on the government to make sure we have the funding in place to fund our police officers across this province, both at the municipal level and at the provincial level, so they've got the tools they need to do the deterrent things that need to be done by stopping people on regular occasions in those areas where they suspect there might be drinking and driving. For example, there may be weddings going on, activities going on within our communities, certainly around some of our more frequented watering holes, as we call them in northern Ontario. It would be a good thing that the police do a better job of that.

The other part we also need to look at is continuing our battle when it comes to public education. We can't stress enough that if you repeat a message often enough, people finally begin to understand, hear it and repeat it. You only have to look at McDonald's. My God, you drive by McDonald's and everybody's mouth salivates, even though we don't like them half the time. Why? Because we've heard the ad so many times, we want to stop in for a quarter-pounder. My point is that if we spend the kind of money we need to in developing ad campaigns that appear on radio and television and in our papers that are aimed at getting people to stop drinking and driving and to break that habit, that also could be fairly effective.

I just say to MADD and other people who have lost children, husbands and loved ones in car accidents, what's the cost of saving a human life? Yes, it might mean we have to spend a fair amount of money—I wouldn't say it's billions but certainly in the millions of dollars—but when it comes to saving a human life, I don't think you can put a cost on that. Unfortunately, I think all of us have an experience in our life where we know somebody who died or we know of somebody who died as a result of somebody drinking and driving, and we know what the cost has been for the family. I think back to one particular accident where a father and two children died in a car accident on Highway 576 going out to Iroquois Falls. Unfortunately, they were hit by a driver who had been drinking and driving.

**Mr Murdoch:** On a point of privilege, Mr Speaker: It's my privilege to point out that students from a school in Grey county are here listening to Mr Bisson talk. I'd like to just point that out.

**The Acting Speaker:** Thank you. As you know, that's not a point of privilege, but we all welcome them.

**Mr Bisson:** We welcome those people from Grey county. We certainly know they're well represented by the member, but they can do a lot better with one of us. I had to get that shot in. I know the member well. We actually get along fairly well together.

I just want to say that advertising would be another effective way of being able to find proactive ways to get people to stop drinking and driving.

The other thing we need to look at as well, and this is a very tough one, is the responsibility of people who are holding events where alcohol is being served. I'm a little

leery of how you get into this one, because you don't want to be so obstructionist that you make the job of bar owners tougher than it already is. I think we all recognize that business is not what it used to be before and a lot of them are struggling out there in the hotel industry to make ends meet. We need to find some way of enforcing the ability of bar owners to pull the keys off somebody if they're drinking. I've seen it when I've been in bars before where a waitress or a bar owner tries to do the responsible thing and is given a hassle by a frequent patron: "No, you're not taking my keys. If you ever do that, I'm never coming back to this establishment again." We need to find ways to give the bar owner and the waiters a little of the support they need to try to halt a situation before it actually becomes a potentially lethal one.

I don't know how you'd do that. I'm not this morning suggesting how, but it would be interesting if we were, by way of a standing committee of this Legislature, to look at that issue and to talk to people in the hotel industry to see what we can do to help them, in a proactive way that's not going to kill their business, to deal with the issue of drinking and driving. I think that's one of the other areas we're able to do, so I think that would be interesting.

I want to say again that we support this initiative. We think it is a good idea. I think it's long overdue. I certainly hope and expect that the government's going to adopt this motion along with the NDP, and I would imagine the Liberals will do the same. Once we've passed it here at second reading—I want to say for the record that far too often private members' bills don't get anywhere after they've been passed at second reading or a motion. I want to say to Mr Marples that I will be one trying to make sure the government doesn't forget to get this thing to third reading so we actually adopt this policy to be able to make sure that over the summer months we're actually in a position to put these things in place.

#### 1130

Far too often there are some good ideas that members raise in this Legislature and, unfortunately, the process where government decides the business of the day makes it very difficult for individual members, even if they're government members—probably even more frustrating for them than it is for us, because I've been on the other side—to move those bills forward, which brings me to my very last point.

This is not to do with drinking and driving, but I'm sure you're all going to be interested. It is the issue of the need to advance parliamentary reform in this Legislature. I think private members' hour is one of the really neat places where we see members, more times than not—not always—bringing forward very good ideas that are good public policy issues, where we're able to progressively deal with an issues we need to give some attention to when it comes to dealing with some of the societal problems we have.

Unfortunately, the parliamentary system that we have today is very constrained by the sense that a government

that's elected at 42% in the case of the Tories, or 38% in the case of the NDP, has an absolute majority in the House and can decide the business of the day and do what they want. Why should 42% of the population rule over the other 58%? I don't think it's fair. We need to take a look at the whole issue of proportional representation in this province, as across this country, so that we take away some of the partisanship in this place and we try to do more what we do here at private members' hour, which is to look at issues so that we can deal with societal problems.

You'll be interested to know that this upcoming weekend the NDP convention is going on in Hamilton. I know everybody wants to go and everybody wants to participate because one of the issues we will be dealing with is democratic reform. How do we move towards a system that's more the European system of parliamentary reform? How do we deal with issues like Internet voting? We want to increase the participation of people and how they vote. Should we look at the issue of how we utilize the Internet for that, or mail-in ballots or whatever it might be?

We also have to take a look at electoral reform so that big money doesn't play the role that it did in the last election. I believe the Tories got the majority that they got based on the amount of contributions they got to buy advertising. If we're going to really have fair elections that debate issues and not brand names, we have to have a system that limits campaign expenses in a way that we're actually talking about issues and not talking about, "I've got more money than you so I can outadvertise you," such as the difference between McDonald's and a private restaurant. Who's going to win out?

I invite people to participate by coming to my Web site, my advertising, my 40 seconds. People who want to be able to come and participate at conventions, we'll be telecasting our NDP convention out of Hamilton on the Internet, for the first time we believe in Ontario's history. You can come in, take a look at what's going on, take a look at the debates and participate by going to [www.gillesbisson.com](http://www.gillesbisson.com). That site will be up and running later on this afternoon. People will have the opportunity, as of tomorrow, to participate in the debates that I think need to happen.

With that, I thank you very much and am glad to support this resolution.

**Mr John Hastings (Etobicoke North):** I'd like to start off consideration of this proposal by congratulating the member for Cambridge for again presenting an issue which has considerable concern not only in his riding and across southern Ontario and across this province but also in Canada. I know that he has done a lot of research in this area, brought in the technology on the interlock and gotten the permission of the Speaker or the members here to demonstrate how it would apply, how useful it can be.

From that start point, I think the Ministry of Transportation of Ontario has already, in a sense, incorporated this technology for third-time offenders in terms of a negotiated strategy for people who get the three-time

suspensions. The issue here today is not only the introduction of the technology but how we as a government have proceeded over the last number of years.

I would commend the member for Timmins-James Bay. It's a fair acknowledgement to let him know that the previous government did bring in graduated driving. It was one of the first steps in this overall change of the culture of non-responsibility that we had from probably the 1970s and the 1980s. If you go back and look at the sentencing provisions, the actual sentences carried out by our judiciary, not only in Ontario but across Canada, I suspect you would see minor consequences: fines of maybe \$250, perhaps up to \$2,000 in some instances if you had a second- or third-time drunk driver, or somebody who was drinking and driving simultaneously, and we've seen that happen.

I think that was the start point to reversing the whole psychology of acceptance, that you could somehow drink and drive, because the consequences in those days weren't as detrimental, weren't as impacting as they are today. That has come about not only through changes socially and psychologically, but also in part—in great part, I would say—to the marvellous work of a whole set of concerned citizens and groups out there, from Mothers Against Drunk Driving to the Canadian Automobile Association, to the Ontario Trucking Association and other related groups. They kept pushing and pushing and pushing. What unfortunately pushed them was the impact that many of their members felt personally through associations with relatives or family members.

We have seen time and again stories of tragedy and sadness involving loss of life or severe fatality or injury. I think if you move from there into the graduated driving program, which we have made some adjustments to so that people can get the appropriate G1, G2 licensing today, to the comprehensive road safety bill that was introduced in June 1997—it's nearly three years ago now—on which we had committee hearings, that had been driven by a whole group of concerned people, players in this particular area, some of whom I've already mentioned, who worked in a group called Task Force on Road Safety '97 that brought in a whole range of recommendations dealing with how to focus on and channel and contain and put in place severe penalties for drinking and driving. I think we have to some extent arrested that development.

But as the member from James Bay has mentioned, no government is ever going to stop, unfortunately, the acceptance in certain circles of drinking and driving. I'm not quite sure yet what groups they may be, but while society is pushing for a zero tolerance context, I believe there are still people in certain age groups who think it may be cool on occasion to drink and drive. In fact, I recall seeing in the media just recently a Quebec police officer on charges for dangerous driving after, ironically, taking a safe-driving course. It resulted in the death of four other police officers. So I don't think there's any particular group that's immune from what can sometimes happen after you achieve a certain level of profes-



sionalism in whatever you do, and that was the case in that instance.

Getting back to what the Ministry of Transportation has done over the last number of years, particularly with the comprehensive road safety bill that we introduced, we put in place greater suspension timeframes: 90 days for people who drink and drive and refuse to have Breathalyzers taken. We have invested more money in and expanded the dedicated RIDE program, which I'm very proud of because RIDE was first initiated in Ontario. Reduce Impaired Driving Everywhere was Reduce Impaired Driving in Etobicoke in the late 1970s. John Bates was the primary influencer, the key hero, you could say, for establishing the start point of getting the culture of non-consequence changed into a culture of zero tolerance that we're moving towards much more vigorously today. We also got rid of the flying tire problem with that legislation, thanks to the Ontario Trucking Association.

We've established lifetime suspensions for those who have three convictions for drunk driving, with an option to be reinstated after 10 years, provided they meet certain conditions, including that the offender has no subsequent driving offences, shows proof of insurance—which in some cases is very difficult for these people to achieve—and agrees to pay for the ignition interlock program. That's a new component here as you move towards this whole area of making people pay for consequences.

I think this is an excellent initiative and resolution on the part of the member for Cambridge and we will continue to see that it gets implemented in its various stages.

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**Mr Michael Gravelle (Thunder Bay-Superior North):** I am very pleased to have an opportunity to speak on the member for Cambridge's resolution. I will be supporting it, and I think it's fair to say our caucus will be supporting it. It is an important resolution. I think it's one that all three parties would support. In terms of commending any one party, I think all three parties have moved along with society to understand that we need to do a great deal more to prevent drunk driving. The tragedies are still very much part of the reality of our existence. In 1996, one quarter of the road fatalities in Ontario involved a drinking driver and obviously that's an extraordinary amount.

I want to say, though, and my colleague from St Paul's made the comment, that this is only a resolution. We support it but I think it needs to be put into legislation. It's my understanding that the member for Simcoe North will be bringing forward a private member's bill in the fall that will put some teeth into this, and we would welcome that, but I also think it would be a good thing if the government brought forward a bill as well so that we can ensure we can get passage of these measures.

The truth is that ignition interlock obviously is a very effective device. To only be used for a third-time offender—I think we all probably would agree that we

need to look at, as your resolution states, putting it in use in earlier stages.

It's also very important that we have the remedial measures program put in as early as possible. One thing I'm not entirely clear on, and perhaps you can clarify it for me, is that a first-time offender at this stage has a mandatory education program. I'm not sure if that's exactly the same as remedial measures program training. It's important that go in place earlier.

I have worked closely with the MADD chapter in Thunder Bay. I believe Gary Duguid is the chapter president at this stage.

The member for Etobicoke North pointed out that our culture and society have changed a great deal in the last 25 or 30 years and I think that is incredibly true. We are now at a stage in our society when zero tolerance is what is expected. I think we need to move towards ignition interlock being put in for first-time offenders.

The member for Timmins-James Bay made reference to the fact that there are people out there who have not yet been convicted. I would think that if the law were changed to make ignition interlock a reality for a first-time offender, that would have a real impact on people who continue to drink and drive, who would recognize that the consequences would be far more severe. Perhaps that's the best justification we can think of for moving in that direction, because there absolutely is no excuse for this.

It is extraordinary when one looks back to what it was like 25 or 30 years ago. I will say here, and perhaps I shouldn't, that I'm not immune from that criticism, and I think probably many others in the House as well. One needs to understand that things have changed. The tragedies that are absolutely part of this reality in our province in terms of drinking and driving are horrendous, and in every part of our province. Reference was made to certain parts of the province. The fact is it is something that is a tragic part of our society in all parts of the province and in all parts of Canada.

I am very pleased to support this with the recommendation that the private member's bill should come forward from the member for Simcoe North. I would be pleased to support it, but I hope there will be government action on this as well in terms of a government bill, because we need to continue to move forward, to continue to support stronger and stronger sanctions against drunk driving. The ignition interlock does work. I believe strongly that it works. I think there are real statistics that have shown that the ignition interlock has a real impact in terms of recidivism, and that's obviously something we need to think very strongly about.

I want to use this opportunity as well to congratulate the MADD chapter, Mothers Against Drunk Driving, in my Thunder Bay community and all across my riding for the extraordinary work they do in educating the public. Every year the campaign has a very high profile and it gets support from the Thunder Bay Police Service and the Ontario Provincial Police who are out there working with them. They do an extraordinary job to educate the

public. It's something we all want to work together on as parties in this Legislature. I will be supporting this resolution and I suspect all my colleagues will as well.

**Mr Garfield Dunlop (Simcoe North):** It is an honour to speak today on this very important resolution. I'd like to begin by saying thank you to the member for Cambridge for bringing this issue to light during this private members' time. I'd also like to thank the members for Thunder Bay-Superior North and Timmins-James Bay, as well as Scarborough, for their comments.

As a government, we've instituted some of the toughest anti-drinking and driving legislation in North America, and that legislation of course includes the creation of the administrative driver's license suspension program. Since that program was first introduced in 1996, about 35,000 drinking drivers in Ontario have had their licenses revoked for periods of up to 90 days.

First-time offenders convicted of a drinking and driving offence must successfully complete an education program and that is managed by the Centre for Addiction and Mental Health. The education program runs for eight hours and the treatment program covers a 16-hour period. The offender, not the taxpayer, pays \$475 for that program. Offenders must complete their program. If they don't, they will not have their licenses returned.

Suspension periods for second-time offenders convicted of drinking and driving have been increased from two to three years.

Third-time offenders will lose their licence for life, instead of the three-year suspension that they used to receive. However, they will be eligible to have their licence reinstated if they maintain a clean record for 10 consecutive years and agree to meet certain conditions.

I'd like to turn for a second to the part of the resolution by Mr Martiniuk that says "ask the Ministry of Transportation to re-examine the use of ignition interlock for individuals convicted of impaired drunk driving prior to the third offence."

At this time I would like to welcome, in the gallery, Mr Doug Abernathy. Doug Abernathy is a constituent of mine. On May 15, 1981, Mr Abernathy and his brother Tim were travelling to their cottage near Huntsville. The family stopped for supplies near Gravenhurst. Tim and Doug got out of the car and were struck by a drunk driver who had crossed over the centre line of the highway. Both were seriously hurt before being flown to Sick Kid's Hospital. Mr. Abernathy survived the ordeal but his brother, unfortunately, did not.

A drunk driver ripped through this family and it strengthened Doug's resolve. Since that tragic accident, Doug has started the community-based Orillia Against Drunk Driving. Its mission is to reduce and eventually eliminate drunk driving through education. For the past five years, Mr Abernathy has been a champion at introducing ways of reducing the number of drunk drivers on our roads.

Just a little over a year ago, Mr Abernathy came to my office with an idea to convince me on the use of interlock ignition devices for those who have been convicted of a drinking and driving offence.

My staff have met with representatives of Mothers Against Drunk Driving and the Council on Drug Abuse to prepare a private member's bill that we hope to introduce this fall that would make mandatory interlock ignition devices in our province. The bill, I hope, will be named in memory of Mr Abernathy's brother, Tim.

I've had an opportunity to actually examine the interlock device, the one that Mr Bisson showed. We had an opportunity to view it in front of my office. I'm convinced it's a very important mechanical device that can and will be used.

The research I have done clearly shows that ignition interlock devices are an effective way to reduce the deadly practice of drinking and driving. Currently only Alberta and Quebec have ignition interlock practices in effect in our country, with Newfoundland recently adopting the practice on May 10 of this year.

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In 1997, MTO issued a report to the standing committee on social development. The report looked at eight programs and 16 studies. The report found promising but inconclusive results. However, since that time, 11 major studies have been published looking at the use of this device. The results of those reports have found that interlocks definitely have benefits. As Mr Bryant said earlier, they are proven and they are reliable.

A non-partisan think tank called the Traffic Injury Research Foundation recommends that "All jurisdictions require installation of ignition interlock breath test devices on the vehicles of repeat offenders as well as first-time offenders arrested with high BACs." So far, the Ontario Association of Police Boards, the Ontario Association of Chiefs of Police, the Ontario Police Association and the city of Orillia have supported the use of these devices.

Over the course of the summer, I will be meeting with as many anti-drinking and driving groups as I can so that a private member's bill can be tabled in this House and I hope passed as soon as possible in the fall.

In closing, I would like to again thank the member for Cambridge for tabling this resolution. One of the things I would like to add, though, as Mr Gravelle said earlier, is the importance of education. I think we've seen a significant amount of education on drinking and driving right on our TV programs. You notice now that our beer producers, Molson and Labatt, have a lot of anti-drinking and driving ads on TV. I notice now there's some strong messaging coming across the TV screen from Mothers Against Drunk Driving and as well that the Ontario Provincial Police have continually made reference to their opposition to drinking and driving on the highways. Recently, the Solicitor General's office gave all the police services boards in the province a total of \$1.2 million in additional money for overtime for their RIDE programs.

In closing, I would like to again thank the member for Cambridge for coming forth with this resolution today and tabling this. In his role as the parliamentary assistant to the Attorney General, he's also the co-chairman of the



crime commission. As a member of our government, he supports and understands the importance of public safety, not only in our homes and on our streets but on the roads of our province. I hope later on, when this private member's bill is tabled in the fall, that I can get unanimous support in this House for it.

**Mr Bruce Crozier (Essex):** I'm pleased as well to stand today and make some comments with regard to the member for Cambridge's resolution and, along with my colleagues and my caucus, to support this resolution.

I also want to make note, as has been mentioned in the debate, of the role that MADD, Mothers Against Drunk Driving, plays in the education in this province about the evil of driving while impaired. I believe that holding a driver's licence in this province is a privilege. Driving while under the influence of alcohol or drugs is a crime, and whatever we can do, first, to educate against this problem, and second, to enforce it, is a good move. RIDE programs have been in existence for years, and that's a good deterrent, I believe, to it.

The unfortunate part about drunk driving, or driving while under the influence of drugs, for that matter, is that the decision to do it is made when we are at our weakest point to make such a decision. What can we do about that? Can we get inside people's heads and prevent this altogether? No. I think we all acknowledge that it's a problem that's been with us for a long time and that will probably be with us for a long time to come, but that doesn't mean we shouldn't make every effort we can to, first, educate people so they understand the tragic results there can be from drunk driving; second, to carry out the enforcement when someone has been driving drunk or driving under the influence and has been caught; and third, what can we do to those who find themselves in that position so that it will make them think twice before they ever do it again? What can we do, for example, that will make a person, while they're sober, plan so that if they drink too much, they have a way of avoiding getting behind the wheel?

The designated driver program is a good one. Many establishments in the province have drunk-driving programs within their bars or restaurants, that is, one of the drivers is designated and then they're served a non-alcoholic beverage so they can enjoy the evening but still have someone who can drive their friends home. I am inclined to think this is more prevalent among youth than we've ever seen before. I think the designated driver program is one that youth have taken to heart. They understand that by participating in the designated driver program they can save not only their own lives but they can save their friends from injury and perhaps even death.

The government has strengthened the law when it comes to the penalties for drunk driving. Some would argue that there's no end to what you should be able to do in that respect. Should a driver's licence be suspended for three years after your third time or for 10 years after your third time? Some would argue that there should be life suspensions, and maybe there are cases where there would be life suspensions from driving, but even then we

still can't prevent that driver from getting behind the wheel. The fact that someone does not have a driver's licence isn't always of any real concern to that person.

I think education is the big thing we can continue to do and, at the same time, use technology to prevent a driver from ever starting the automobile.

Again I say how much I support this resolution of the member from Cambridge. I hope he continues in his efforts to bring technology into this issue so that our highways and roads and byways can be made safer and the public can be more aware of the consequences of driving while under the influence of alcohol or drugs.

**The Acting Speaker:** The member for Cambridge has two minutes.

**Mr Martiniuk:** I would like to take this opportunity to thank my colleagues the members for Etobicoke North and Simcoe for their support of this resolution. I would further like to thank the member from the third party, the member for Timmins-James Bay, for his kind words of encouragement. I'd like to thank all members of the opposition—the member for Essex, the member for St Paul's and the member for Thunder Bay-Superior North—for their support.

I mentioned that this machine was kindly donated, temporarily, by Guardian Interlock. This high-tech machine is manufactured at their plant right here in Mississauga, so we didn't have to go outside of this province to obtain a representative sample of what high-tech can do for us.

I must echo the words of many of the members that there has been a shift in attitude from, "Wink, wink, have a couple of drinks," to "We will not take this any more." I must applaud the various groups, primarily victims' groups, who have worked tirelessly. I have met them in the many crime-control forums at which I have presided. They are always out there working, bringing their view that drunk driving is not to be tolerated. I'd like to congratulate all of those groups, most of whom belong to the Ontario Community Council on Impaired Driving, which includes PRIDE and MADD and all the others, for the good work they have done on behalf of the victims and the people of Ontario.

**The Acting Speaker:** That completes the time allocated for debate.

## WASTE DISPOSAL

**The Acting Speaker (Mr Michael A. Brown):** We will first deal with ballot item number 31. Mr Beaubien has moved private member's notice of motion number 15.

Is it the pleasure of the House that the motion carry? The motion is carried.

## DRINKING AND DRIVING

**The Acting Speaker (Mr Michael A. Brown):** Now we will deal with ballot item number 32. Mr Martiniuk has moved private member's notice of motion number 20.

Is it the pleasure of the House that the motion carry?  
Carried.

All matters relating to private members' public business now being completed, this House stands recessed until 1:30 of the clock this afternoon.

*The House recessed from 1200 to 1330.*

## MEMBERS' STATEMENTS

### MEMBER'S COMMENTS

**Mr Dave Levac (Brant):** I rise today to take extreme exception to the comments made by the member for Northumberland during debate yesterday. His usual and typical lapdog ranting about Liberal ideas and self-promoting, pompous proclamations have stooped to an all-time low worthy of only earthworms, moles and low-flying seagulls.

To suggest that the members on this side of the House have not shown empathy and sympathy is at best ill advised and at worst without soul. Just because Dalton McGuinty visited Walkerton without press, in a solemn, private moment that does not suit the member for Northumberland's judgment, that doesn't make him less a leader; in fact, it makes him a caring, compassionate human being worthy of leadership.

No less than 10 times in Hansard has our leader, Dalton McGuinty, offered words of comfort and sympathy to the people of Walkerton, especially the bereaved.

I am sending across the floor my own words, spoken on May 30, in case the member for Northumberland actually believes his own drivel.

The member for Northumberland impugns this House and all its members by his comments, especially my colleagues Sean Conway, Jim Bradley and Dwight Duncan, to name just a few who have spoken on this issue.

Each and every member of this House has expressed in their own way heartfelt sorrow for the residents of Walkerton. We will, however, continue to hold this government accountable for its responsibilities in providing safe, clean drinking water for the people of Ontario.

### BOLTON ROTARY CLUB

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I would like to take this opportunity to congratulate the Bolton Rotary Club on the celebration of their 50th anniversary.

The Rotary Club of Bolton was chartered in 1950, with a membership of 25 community-minded individuals. One of these members, Harold Egan, is still active today. Currently, Mr Egan is the honorary president in commemoration of the club's 50th anniversary.

Over the past 50 years, this organization has raised over \$1 million for the community. Through fundraising

efforts like the annual Cider Tyme event, the Dream Auction and the annual golf tournament, the Bolton Rotary Club helped create Riverside Park in Bolton, a project which was recognized by Rotary International.

The club members also contributed to Polio Plus, an international program to eradicate polio; Jamaican hurricane relief; and helped to fund sight-saving operations in India.

Closer to home, the Bolton Rotary Club provides local high school students with a variety of scholarships; supports the Boy Scouts, local sports teams and many other community organizations, including Transition Place, a home for abused women and children. The club also coordinates the Easter Seals activity in the area and contributes to Camp Enterprise, a three-day event for grade 12 students to discuss entrepreneurship and business ethics.

As you can see, our community and others throughout the world have benefited from the commitment and dedication of the members of the Bolton Rotary Club. I would like to extend my sincere congratulations to the Bolton Rotary Club as they celebrate their 50th anniversary.

### GASOLINE PRICES

**Mr Mike Colle (Eglinton-Lawrence):** Today, sadly, gas prices in Ontario have reached new record highs; they've almost reached 80 cents per litre—scandalous.

For nearly a year now, since last July when gas was 50 cents a litre, I have been asking the Premier to do something on behalf of Ontarians. I've been asking for a temporary freeze much like his predecessor, Bill Davis, did in 1975.

Back in July, the Premier dismissed my call for a gas freeze, saying, "Why would we freeze prices at an all-time high of 59 cents?" Now, as you know, it's about 79 cents.

When it comes to gas prices, Mike Harris is all talk and no action. He blames and finger-points and bellyaches and moans but continues to do absolutely nothing to protect Ontario motorists and consumers.

At the same time, Mike Harris is in cahoots with the big oil companies, collecting nearly \$3 billion a year in gas taxes from Ontario motorists.

And what ever happened to the "pass the buck" task force they set up? Could it be that the "pass the buck" committee has been indefinitely delayed because it can't decide who to blame?

Who is Mike Harris going to blame today? Is he going to blame the oil companies? Is he going to blame the federal government?

Ontario consumers are fed up at being hosed day in and day out at the gas pumps while their Premier bellyaches and blames others. I say to Mike Harris, stop the finger-pointing, stop the blame, and do what Bill Davis did: Get control of those gas prices today.



## NDP CONVENTION

## CONGRÈS DU NDP

**Mr Gilles Bisson (Timmins-James Bay):** As all members of the assembly would know, this weekend is the NDP convention in Hamilton.

I invite all of you here in the assembly to come and visit our convention either in person or, more important still, to come on-line to be able to visit that convention.

For the first time, I believe, in Ontario's history, a political party is putting their convention on-line, where the public will have an opportunity to both participate at the convention, letting their thoughts be known, and participate as far as other people's comments, and also to look at what's happening by real-stream video feeds from that convention. I'm inviting people to do that by just visiting my Web site at [www.gillesbisson.com](http://www.gillesbisson.com), where you're going to have an opportunity to do that.

J'aimerais inviter tous ceux qui ont l'opportunité de regarder la convention annuelle du NDP, qui aura lieu à Hamilton cette fin de semaine. On a pour la première fois, on croit, l'opportunité d'aller sur Internet pour visiter la convention d'un parti politique dans la province de l'Ontario. On invite le monde à venir donner leurs commentaires, à regarder ce qui se passe, à participer aux débats et à aider à bâtir notre parti au point qu'on pense que c'est important pour être capables de bâtir un avenir pour la province. On invite le monde à venir à [www.gillesbisson.com](http://www.gillesbisson.com). Venez participer à notre convention annuelle.

## SOCIAL ASSISTANCE

**Mr Doug Galt (Northumberland):** I rise in the House today to congratulate the Minister of Community and Social Services on the government's achievement of getting more than 500,000 people off welfare and into a job. Our workfare programs work, and they work for all Ontarians. A large number of people across Ontario support this initiative. I wish now to quote one of those people. One man said, and I quote from Hansard, "The Ontario government should be, and indeed needs to be, commended for streamlining the current social assistance systems into two new programs: Ontario Works and Ontario disability support program."

Do you know who said that? Ted McMeekin, the mayor of Flamborough, Dalton McGuinty's Liberal candidate for the by-election in the Wentworth-Burlington riding, said that. I'm pleased to note the change in the Liberal platform and welcome their support on this important issue, but I believe this to be just another flip-flop on an issue which is so important to the people of Ontario. They don't know where they stand on workfare, they don't know where they stand on the Hamilton amalgamation and they don't know where they stand on health transfers from their federal cousins.

We on this side of the House have been providing the leadership that Ontarians expect. We will continue to

create innovative programs to ensure that taxpayers' money is spent wisely and effectively in Ontario.

## HOMELESSNESS

**Mr George Smitherman (Toronto Centre-Rosedale):** Today, angry and frustrated poverty and homelessness activists will march on the Legislature to demand that the Harris government take action on the homelessness crisis in this province. The government will no doubt focus on the tactics that are used because they are a rudderless, do-nothing government when it comes to dealing with the problems that affect too many people in this province.

As the cynical \$200 bribes demonstrate, there are two distinct classes of people in Mike Harris's Ontario: those taxpayers who will get \$200 cheques and those in desperate need who serve as punching bags for Mike Harris's war on the poor. They do nothing to deal with the problems of health care for homeless people. Patients are released sicker and quicker and homeless people are routinely released to the street and to shelters. Mike Harris demonstrates his ignorance when he talks about shelters as housing. Anyone who has ever visited a shelter or attempted to sleep there, as I have, will know that they are not an adequate replacement for a home.

Mike Harris is closing the Wellesley Central Hospital on October 1, 2000, without any move to open the ambulatory care centre as directed by the HSRC.

The Minister of Health is failing the test of responsibility. While she fiddles, an epidemic of preventable deaths surges all around us.

We used to have a government for all the people. The sad reality in Mike Harris's Ontario is that we have a government for taxpayers and a policy of woeful and negligent ignorance towards those who are less fortunate. The message of the Harris government is simple: Ignore the poor.

## CATHETERIZATION LABORATORY

**Mr R. Gary Stewart (Peterborough):** Through the hard work and dedication of my constituents in Peterborough, along with the support of the Ministry of Health and our government, tomorrow will be a very special day. The new heart catheterization lab will officially open in the Peterborough Regional Health Centre. This lab will be the most advanced in Canada. It has a swing lab which will see the catheterizing machines on a huge hinge that will swing from one room to another, the first in the province. The swing lab allows for increased capacity. It also ensures that there won't be a waiting list for any patient needing emergency cath lab care.

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As the provincial representative for Peterborough, I am very proud of the efforts of my constituents, who worked so hard on this initiative to raise over \$2 million. I'd like to mention in particular the work of the co-chairs for the Community Health Services Foundation, Linda

Whetung and Dave Smith; Dr Bill Hughes for his perseverance over the last 12 years to achieve the lab; Rob Devitt, CEO of the hospital, for his co-operation with the ministry; and the many individuals, young and old, in the entire Peterborough region who collectively made this happen.

Congratulations, Peterborough, on enhancing our health care in this community. Your commitment is appreciated.

### FIREARMS CONTROL

**Mr Michael Bryant (St Paul's):** Today the government of Ontario was handed a colossal defeat by the Supreme Court of Ontario in a unanimous decision, rendered in record speed, upholding the federal gun control legislation, which the people of Ontario support. The Harris government, Ralph Klein and the gun lobby may have lost, but the people of Ontario today certainly have won.

The Supreme Court has upheld legislation which honours victims of gun violence, who support this legislation. The court has upheld legislation which honours the police, who protect us and who have to face gun violence every day, and they support this legislation.

This decision honours the victims of the Montreal massacre. It was the Montreal massacre that inspired this legislation in the first place. The brother of Annie St-Arneault, one of those victims, said today in response to the decision, "This law is a living monument to the victims of gun violence and we will continue to do everything within our power to defend it and to ensure the lessons of the past are not forgotten."

This government needs to learn a lesson as well as a result of this decision. Today I call upon the government, first, to show some leadership and denounce all this talk about disobedience with respect to this law and refusal to obey this law, which has been upheld by the Supreme Court of Canada. I call upon the government to come clean and tell the people of Ontario how much they've wasted on this act of neo-conservative judicial activism. Lastly, it's time today for the government to end its unholy alliance with the gun lobby.

Today is a good day for the people of Ontario and a colossal defeat for the government of Ontario.

### NIAGARA GRADUATES

**Mr Bart Maves (Niagara Falls):** I am pleased to stand in the Legislature today to acknowledge and applaud the graduating classes from both Niagara College and Brock University. Ceremonies are taking place at both of these schools all this month, and I'm very excited for the students and for their families who have so much to be proud of and so much to look forward to.

Last week, Brock University held two special ceremonies, one for a group of graduating students and, second, a groundbreaking ceremony for two new

academic buildings. In May, Brock University received \$15.5 from the Ontario SuperBuild Corp to help build the buildings.

Brock University isn't the only one to benefit from provincial government funding. Again in May, Niagara College received \$4.2 million for the expansion of their Maid of the Mist campus. Niagara College also received a \$1.6-million grant from the Ministry of Economic Development and Trade's strategic skills fund to help with the college's technology-based programs.

As you can see, this is a very exciting time for Brock and Niagara College students. They are graduating from these schools and they have the necessary means now to provide them with the skills they need for the outside workforce.

I'm very proud of our government's record to reinvest in schools and education. The Niagara region has greatly benefited from funding from this government. Again, I thank the minister, the Premier, Minister Eves and Minister Hudak for working very hard to get this done in my community.

### REPORT OF CHIEF ELECTION OFFICER

**The Speaker (Hon Gary Carr):** I beg to inform the House that today I have laid upon the table a report from the Chief Election Officer, made pursuant to section 2(5) of the Election Finances Act.

### ANNUAL REPORT, OFFICE OF THE OMBUDSMAN

**The Speaker (Hon Gary Carr):** I also beg to inform the House that today I have laid upon the table the annual report of the Ombudsman for the period April 1, 1999, to March 31, 2000.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mr Steve Gilchrist (Scarborough East):** I beg leave to present a report from the standing committee on general government and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill, as amended:

Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act, 1996 / Projet de loi 68, Loi à la mémoire de Brian Smith modifiant la Loi sur la santé mentale et la Loi de 1996 sur le consentement aux soins de santé.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.



## INTRODUCTION OF BILLS

### RACING COMMISSION ACT, 2000 LOI DE 2000 SUR LA COMMISSION DES COURSES DE CHEVAUX

Mr Runciman moved first reading of the following bill:

Bill 94, An Act to revise the Racing Commission Act /  
Projet de loi 94, Loi révisant la Loi sur la Commission  
des courses de chevaux.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

The minister for a short statement.

**Hon Robert W. Runciman (Minister of Consumer  
and Commercial Relations):** I'm pleased to introduce  
An Act to revise the Racing Commission Act. The  
Racing Commission Act, 2000, would convert the  
Ontario Racing Commission to a self-financing agency  
and modernize it so that it can continue to provide  
efficient and effective services. I urge all members to  
support the revisions to the Racing Commission Act.

### PROTECTION OF MINORS FROM SEXUALLY EXPLICIT GOODS AND SERVICES ACT, 2000 LOI DE 2000 SUR LA PROTECTION DES MINEURS CONTRE LES BIENS ET SERVICES SEXUELLEMENT EXPLICITES

Mr Wood moved first reading of the following bill:

Bill 95, An Act to protect minors from exposure to  
sexually explicit goods and services / Projet de loi 95,  
Loi visant à protéger les mineurs contre les biens et  
services sexuellement explicites.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

The member for a short statement.

**Mr Bob Wood (London West):** The purpose of this  
bill is to prevent those under 18 from being exposed to  
sexually explicit goods and services. It mandates the  
good practices already followed by most businesses in  
Ontario. If enacted, it would give a reasonable assurance  
to Ontario parents that their children will not be exposed  
to inappropriate influences of this nature.

### SAFE DRINKING WATER ACT, 2000 LOI DE 2000 SUR L'EAU POTABLE SAINTE

Ms Churley moved first reading of the following bill:

Bill 96, An Act to restore public confidence in the  
quality of drinking water in Ontario / Projet de loi 96, Loi  
visant à rétablir la confiance publique dans la qualité de  
l'eau potable en Ontario.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

The member for a short statement.

**Ms Marilyn Churley (Broadview-Greenwood):** The  
bill I've tabled today is intended to restore public  
confidence in the quality of drinking water throughout  
Ontario. It recognizes that people have the right to clean  
and safe drinking water, that clean and safe drinking  
water is a basic human entitlement and essential for the  
protection of public health.

The bill recognizes that communities do not always  
have the financial and technical capacity to provide safe  
drinking water and that the province has an important  
role to play in providing that assistance and allows for  
the establishment of a safe drinking water fund. It con-  
tains mandatory reporting and notification requirements  
to water users, local medical health officers and the  
Ministry of the Environment. It establishes the clean  
water electronic registry, where Ontarians can readily  
obtain up-to-date information about the quality of water  
in their community.

The bill restores the fair partnership between the  
province and municipalities in providing Ontarians with  
clean and safe drinking water. The bill is the first step in  
ensuring that all Ontarians have access to safe and clean  
drinking water.

1350

### CITY OF TORONTO ACT (TRAFFIC CALMING), 2000

Ms Mushinski moved first reading of the following  
bill:

Bill Pr2, An Act respecting the City of Toronto.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred  
to the standing committee on regulations and private  
bills.

### CITY OF TORONTO ACT (TAX DEFERRAL), 2000

Ms Mushinski moved first reading of the following  
bill:

Bill Pr9, An Act respecting the City of Toronto.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred  
to the standing committee on regulations and private  
bills.

### CITY OF TORONTO ACT (GRADUATED TAX RATES), 2000

Ms Mushinski moved first reading of the following  
bill:

Bill Pr11, An Act respecting the City of Toronto.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

### CITY OF TORONTO ACT (TENANT PROTECTION), 2000

Ms Mushinski moved first reading of the following bill:

Bill Pr12, An Act respecting the City of Toronto.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

**Ms Marilyn Churley (Broadview-Greenwood):** On a point of order, Mr Speaker: Because of the fundamental importance of the safe drinking water bill that I just introduced, I would ask for unanimous consent that it move to second reading so we can get it out to committee quickly over the summer and get third reading passed quickly in the fall.

**The Speaker:** Is there agreement of the House, unanimous consent? I'm afraid I heard some noes.

### QUEEN MOTHER

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** On a point of order, Mr Speaker: I'd like to seek unanimous consent. On August 4, 2000, the Queen Mother will celebrate her 100th birthday. This extraordinary woman has earned the respect and admiration of people around the world. As a leader, she has guided her people through adverse conditions while at the same time maintaining her characteristic charm and grace.

In light of her lifelong successes and accomplishments, I would like to ask for unanimous consent for the Legislative Assembly of Ontario to send our most sincere birthday wishes to this exceptional lady.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed. I thank the member.

### MOTIONS

#### COMMITTEE MEMBERSHIP

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** I move that the following amendment be made to the membership of a certain committee: Mr Peters replaces Mr Conway on the standing committee on estimates.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

### ORAL QUESTIONS

#### WALKERTON TRAGEDY

**Mr Dalton McGuinty (Leader of the Opposition):**

My question is for the Minister of the Environment. The people living in the community of Walkerton would have had a hell of a shock this morning when they awakened to read a headline which read, "Harris Ignored Walkerton's Pleas in 1998." We knew, as did the people of Walkerton, that the Provincial Auditor had warned you about impending problems. We knew the Environmental Commissioner had warned you. We learned more recently your own officials had warned you, but this morning we learned that the leaders in the town of Walkerton had sent a letter to your government putting you on notice about pending problems. They launched a cry for help and you ignored them, Minister. Why did you ignore them?

**Hon Dan Newman (Minister of the Environment):** I want to take this opportunity to set the record straight here today. Media reports of the letter sent to the Premier have been inaccurate, and I'd like to clarify the facts right now for all members here.

The clerk of the town of Walkerton sent Premier Harris a resolution passed by the council of that town and in it they called upon the provincial government to maintain the Ministry of the Environment as the guardian of water quality. That is what we do at the Ministry of the Environment. The Ministry of the Environment sets and enforces safe water standards. In fact, the Premier did respond to the clerk of Walkerton and asked him to keep him apprised of any further developments.

With respect to Walkerton, we all want answers to what happened in Walkerton. There is the public inquiry. There are three other investigations underway and now proceeding that will provide us with the answers we all want and need. I want to assure this House that the government is committed to doing everything we can to ensure that our drinking water is safe.

**Mr McGuinty:** You know that the Premier's response was nothing more than a standard form letter. This was a very important letter. In fact, the letter itself says: "This is a very important issue that we draw to your attention for action. We look forward to your reply on this environmental issue." In it, they say that "poor testing has been found in at least 23 municipalities in south-western Ontario, creating a potential for serious illness."

This was brought to your attention in June 1998. The people in that community, through their leadership, were sending a letter to your government, to its leadership, talking about "a potential for serious illness." All they got back from the Premier of Ontario was a form letter. Why is it that you ignored this cry for help from the people of Walkerton?

**Hon Mr Newman:** In the first question, the Leader of the Opposition indicates that the Premier didn't respond, when in fact the Premier did respond to the clerk of



Walkerton. The Premier asked the clerk of Walkerton to keep him informed of any further developments in Walkerton with respect to the resolution that had been passed by that council. The Premier did respond to the correspondence that was provided to him by the town of Walkerton.

1400

**Mr McGuinty:** If we're talking about setting the record straight here, here's a copy of the letter. It has two sentences: "Thank you for writing to inform me of council's resolutions regarding the realignment of provincial-municipal services. I have noted council's views and appreciate being kept informed of its activities." This is in response to a letter sent by the leadership of the town of Walkerton where they talk about poor testing, they talk about bad water results in 23 municipalities and they talk about creating a potential for serious illness.

Minister, can you now seriously justify this, a two-sentence form letter, as an adequate response to the leadership of Walkerton who are talking about the potential for serious illness?

**Hon Mr Newman:** The first question that the Leader of the Opposition brought forward today indicated that the Premier didn't respond. I have answered clearly that the Premier did respond to that correspondence.

On the second question, the member now produces a letter that the Premier sent. You have to ask yourself what the Leader of the Opposition is up to today. The Premier did indeed respond to that request from the town of Walkerton.

**The Speaker (Hon Gary Carr):** New question.

**Mr McGuinty:** A question to the same minister.

You can engage in these cute games and tell us that the Premier did respond. What I ask you to consider in your heart of hearts, Minister, is whether you think this was an adequate response. This was a community that was crying out for help. They talked about the potential for serious illness. They pleaded with you. It says here, "We urge the government of Ontario to maintain the Ministry of Energy and the Environment as the guardian of our water quality." They sent this off to you. Are you purporting to tell me today that that cry for help from a community which subsequently experienced seven dead—are you telling us that your Premier's form letter, a two-sentence response, was an adequate and fulsome response to that cry for help?

**Hon Mr Newman:** No one is engaging in games or pointing fingers or assessing blame to anyone. We all want to get to the bottom of what's happened in Walkerton. The resolution called upon the provincial government to maintain the Ministry of the Environment as the guardian of water quality in the province. That's what we do in the Ministry of the Environment. We do set and enforce water standards for our province so that we can have the safest drinking water possible for the people of Ontario.

**Mr McGuinty:** One of the frightening aspects of this, which we learned of this morning, was when the Premier's office responded by saying that they receive

these kinds of letters all the time. Apparently, they are getting letters all the time which talk about the potential for serious illness in drinking water. Apparently they're getting letters all the time that talk about water quality problems in various municipalities across the province.

This was a very, very special letter. The cover letter that came with this resolution talked about this being a very important issue. It was brought to your attention for action. Are you telling me that this letter in response from your Premier constituted real action, which was being sought by a community which has subsequently found seven of its own dead because their water was contaminated?

**Hon Mr Newman:** No one should be playing games with this issue. It's far too important an issue. People died. Seven people died in our province.

I just simply say that a letter was sent to the Premier of this province. The Premier responded. There are many letters that are sent to the government, resolutions from councils on many different issues. The Leader of the Opposition knows that. He's simply twisting the facts yet once again.

**Mr McGuinty:** Let's review this one more time. You were warned by the Provincial Auditor on at least two separate occasions. You were warned by the Environmental Commissioner. You were warned by your own ministry officials. And now, to add insult to injury and death, we discover today that you were in fact put on notice by the leadership of the people of Walkerton. They specifically asked for action. They described it as being a "very important issue"—those are their words. They talked about creating "a potential for serious illness"—those are their words. They talked about water quality problems in 23 municipalities—those are their words.

How can you possibly stand there today, Minister, and tell us that this form letter response was adequate and perfectly in keeping with the level and degree of the severity of the issues raised by the leadership of Walkerton? Tell me again: Why is that an adequate response?

**Hon Mr Newman:** Again, media reports about the letter sent to the Premier have been inaccurate. I am going to yet again clarify the facts for the Leader of the Opposition. I think it's probably the fourth time I've had to say this. Clearly, the clerk of the town of Walkerton sent Premier Harris a resolution passed by the council of that town, and in it they call upon the provincial government to maintain the Ministry of the Environment as the guardian of water quality. That is what the Ministry of the Environment does today, as it always has. What my ministry does is set and enforce water standards for the people of our province.

I'm going to say it yet again: The Premier did respond to the clerk of Walkerton and asked him to be kept apprised of any developments.

**The Speaker:** New question.

**Ms Marilyn Churley (Broadview-Greenwood):** To the Minister of the Environment: OPP reports today to the chief coroner point to three more deaths as likely due

to E coli in Walkerton's water. The list is now at 14, Minister, and you stand up here today and try to defend your Premier by saying he sent a letter, which was obviously a form letter, a kiss-off letter, a letter that didn't say, "Keep me informed," but, "Thank you for apprising me of the situation."

I have the letter here. It's from the former mayor and council of Walkerton. It's about your decision to close the ministry's lab for testing drinking water, and it directly challenges your government's decision to no longer be involved in municipal water problems. They ask you directly to maintain the Ministry of the Environment as the guardian of water quality, ensuring basic healthy water.

Minister, Walkerton put their concerns about their serious problems squarely at the Premier's doorstep in 1998, yet he did nothing about it. I'm asking you now, did you see the letter? Were you made aware of the serious problems with the drinking water in Walkerton as far back as 1998?

**Hon Mr Newman:** Again, the clerk of the town of Walkerton sent Premier Harris a resolution. It was a resolution that was passed by the council of the town of Walkerton. The resolution clearly called upon the provincial government to maintain the Ministry of the Environment as the guardian of water quality. That's what the Ministry of the Environment does. It does indeed set and enforce water standards. The Premier responded to the clerk of the town of Walkerton, asking him to be kept apprised of any further developments.

With respect to Walkerton, everyone wants answers. That's why there are three investigations as well as the public inquiry working to get to the bottom of what happened in Walkerton.

**Ms Churley:** The letter didn't say that. I have a copy of the letter here. It didn't say that.

Let me tell you, Minister, every day that you respond in this House and out there to the media, your response is getting more and more outrageous. Don't you fully understand the significance of this letter? Doesn't it occur to you that had the Premier taken this letter seriously when he was being informed that there were serious problems, E coli in the water that could lead to serious illnesses—don't you get it? Don't you understand that if the Premier had responded and something had been done, we might not have had those 14 deaths that we're so tragically talking about in this House today? Don't you get it?

**Hon Mr Newman:** It's also a fact that on May 6, 1998, a month before the clerk sent his letter to the Premier, the government had written to the Walkerton Public Utilities Commission regarding specific areas of improvement that were needed with their water system. The ministry required specific plans to deal with the identified issues. On July 14, the Walkerton Public Utilities Commission responded to the ministry by letter explaining that each and every problem identified by the government had been addressed.

I want to assure all members of this Legislature and the public that the government is committed to doing

everything we can to ensure that our drinking water is safe in this province. We all want answers to what happened in Walkerton, and the public inquiry and the three other investigations will do that in time. In the meantime, we should all strive to deal only with the facts and to guard against finger-pointing or blame.

1410

**Ms Churley:** This is an absolutely unbelievable response about the serious matter put to you today. This is what Jim Bolden had to say: "The government obviously wasn't at all concerned about it. They sure didn't do anything." Later he said, "It's ironic that the town that complained of cutbacks and the closing of the labs was the one where this tragedy happened."

Minister, Walkerton said you were wrong to close the labs. They asked you two years ago to reconsider. Surely today the citizens of Walkerton demand and should get a real answer to their letter. Will you do so by reconsidering, as they asked you two years ago, the decision to close the lab? Will you announce today that you will reopen the four government labs that you closed and get back into the business of testing water to keep it safe for the citizens of Ontario so that we do not have another Walkerton ever again in this province?

**Hon Mr Newman:** Again, the resolution from the town of Walkerton called upon the provincial government to maintain the Ministry of the Environment as the guardian of water quality in this province. That's what it does.

I'm going to repeat this because I don't think the member opposite was listening the first time around. It's also a fact, on May 6, 1998, clearly a month before the clerk's letter was sent to the Premier, the government had written to the Walkerton Public Utilities Commission regarding specific areas of improvement that were needed with their water system. The ministry required specific plans to deal with the identified issues. On July 14 of that year, the Walkerton Public Utilities Commission responded to the ministry by letter explaining that each and every problem identified by the government had indeed been addressed.

## WATER QUALITY

**Ms Marilyn Churley (Broadview-Greenwood):** To the Minister of the Environment: In light of the events at Walkerton, the Canadian Environmental Law Association said today that it is unacceptable that Ontario continues to have no law specifically designed to protect drinking water quality.

As you know, I introduced the Safe Drinking Water Act in this House today. This bill will help make sure that something like Walkerton never happens again. It puts down in law that the people of the province have a right to safe and clean drinking water and that ultimately it is the responsibility of the government of Ontario to ensure that.

The Canadian Environmental Law Association says, "We call upon all parties in the Legislature to co-operate



to pass this long-overdue law as soon as possible." Minister, can we count on your co-operation to move this bill along very quickly?

**Hon Dan Newman (Minister of the Environment):**

The government has taken a number of steps to ensure that we have a safe supply of clean drinking water available to all people in this province.

With respect to the member opposite's bill, as this House knows, I announced that my staff would begin work on a new regulation. The member opposite's bill calls for the creation of a water council whose mandate is to conduct research on water issues. I believe that a council of this type would only create red tape and delay research on that issue.

We have a significant number of staff within the Ministry of the Environment who conduct water research in a variety of different ways on a large number of issues. Recently we have announced a three-year, \$6-million monitoring initiative that will see approximately 350 electronic monitoring sites around Ontario. Our drinking water surveillance program monitors 174 municipal water supplies serving 88% of Ontario's population that is served by municipal water. Our provincial water quality monitoring network collects almost 80,000 pieces of water quality information at over 230 locations covering 54 major watersheds across our province.

**Ms Churley:** That answer is absolutely outrageous. It shows once again that your attitude as the Minister of the Environment, who is supposed to be protecting the environment and the health of Ontarians, is reduced in your mind to mere red tape. This bill is not about red tape. What this bill does is bring into law the policies and the guidelines that are out there now. Walkerton clearly shows we need to do that. We have to bring that into law. We have to create a situation where people are kept apprised and aware of what's going on with the water in their own communities, and they have to have legal surety that the government is held responsible.

Minister, I am confident that everybody on this side of the House will support this bill and agree to let it come forward. We're able to bring this out for committee hearings now, under the new rules, after first reading. Will you commit today that you will work with the House leader and make sure this bill is called over the summer for committee hearings so we can have laws in Ontario that will prevent what happened in Walkerton from ever happening again?

Let me tell you, Minister, do not again call environmental laws that are put into place to protect the health of the citizens of Ontario red tape; it is totally unacceptable after those deaths in Walkerton.

**Hon Mr Newman:** I said no such thing. I indicated that the creation of a council whose mandate is to conduct research on water issues was the issue I was referring to. We take the protection of the environment very seriously on this side of the House. As Minister of the Environment, I take the protection of our drinking water as a very serious matter, as I do air quality issues and issues relating to land. That's why on May 29 I

brought forward the proposal that my staff will work on a regulation that will actually bring into the force of law for the first time many of the objectives we want to achieve as a government with respect to drinking water in our province.

**The Speaker (Hon Gary Carr):** New question?

**Mr Dalton McGuinty (Leader of the Opposition):**

My question is for the Minister of Health. We know that the Minister of the Environment has ignored warnings about drinking water, we know that the Premier himself has ignored warnings about drinking water, and I am today wondering about what role you might have played when it comes to ignoring warnings about problems with our drinking water. I have a specific question for you.

Minister, did you or your officials ever receive a letter from Dr Richard Schabas, when he was Ontario's chief medical officer of health, or for that matter from any other medical officer of health in Ontario warning about the effect of government policies on drinking water safety?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** If the Leader of the Opposition has knowledge of such a letter, I'd certainly be pleased to receive it.

**Mr McGuinty:** What I'm doing here today and now, Minister, is asking you if you have knowledge of such a letter. Undoubtedly, if there is such a letter, you will be required to produce it at the public inquiry. We've already seen a mountain of evidence of warnings being ignored by various members of your government. What I ask you to do today, then, is to carefully search your records for such a letter, and I ask you that if you find such a letter, you undertake to table it here immediately.

**Hon Mrs Witmer:** If the Leader of the Opposition has knowledge of such a letter, there are obviously different inquiries taking place and I would hope he would make that information available to the appropriate authorities.

1420

## UNIVERSITY AND COLLEGE FACILITIES

**Mr Bert Johnson (Perth-Middlesex):** My question is for the Minister of Training, Colleges and Universities. A lot of Canadian universities are in need of repair, and that's because their buildings were built in the 1960s. A report on the condition of the facilities at Ontario universities indicates that our university facilities are among the best in the country, but clearly there is more that needs to be done.

Even the member for Hamilton West will want to hear this question. Previous Liberal or NDP governments have done little to fix this problem. Minister, what is the government doing to address the maintenance problem?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities):** I understand that when we became the government of the day we were left some serious problems with regard to our infrastructure. For that we have a plan and we are working with the colleges

and universities for renewal and for maintenance of our college and university system. We spent \$157.5 million over the last two years and have set this aside specifically targeted to the renewal of our infrastructure: \$62.5 million, facilities renewal program 1999; \$55 million, modernization budget 2000; \$40 million, facilities renewal program 2000-01. In fact, together, right across this system, the largest announcement in 30 years has been put forward with our SuperBuild announcement of \$1.8 billion for new facilities and renewed facilities in our college and university sector.

To protect this substantive investment, the universities will have to make individual efforts to maintain their own institutions as well. The government is working with the colleges and universities to use some new software to support the development of a facility condition management program and to develop a standardized building audit, both of which will make it easier for all of us to track our progress.

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up. Supplementary.

**Mr Johnson:** As we're all aware, universities and colleges have to maintain their calibre of excellence in order to stay competitive. Each institution has to prepare for the double cohort—although in the case of colleges where most of their entrants come from grade 12, they will not have the double cohort—and must modernize their existing infrastructure to meet the demand. We know that the facilities renewal program is available to assist institutions in building new facilities and renovating existing ones. However, every institution has a distinct and unique request. What is our government doing to help these institutions prepare for the future?

**Hon Mrs Cunningham:** I think the news over the last few months has been that the universities and the colleges have thought very carefully about how they want to respond to the needs of the students they're expecting over the next three years, beginning in the year 2003, referred to as the double cohort. There will be an increase because of our own policy decision and, of course, the natural growth in the number of 18- to 24-year-olds across North America.

We have responded. Before Christmas, as we made that decision, we invested some \$742 million in our universities and colleges, some 35 new capital projects. More recently, because of the May budget, we spent another \$231 million in grants to our colleges and universities for new classrooms, laboratories and other facilities that were needed. All in all, as I said, some 77,000 students will gain admission over the next few years. It's \$1.8 billion with the government and private sector working together.

**The Speaker:** The minister's time is up.

## WATER QUALITY

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** My question is for the Minister of the Environment. A senior in my riding gets

her only source of water from a well. She sent a water sample to the local health unit for testing on June 5. This sample was forwarded to the regional public health lab in Kingston and was tested June 6. Seven days later, on June 12, this lady received a postcard in the mail informing her that her water was unsafe. What was in her water? Both coliform and E coli levels that were over 80. That means they were so high that the lab stopped counting. Your process directs that these results could only be picked up in person or sent by mail. My constituent, who is a senior, lives an hour and a half away from this lab. Why, when her health is at risk, would this woman have to wait seven days for the results of this water test?

**Hon Dan Newman (Minister of the Environment):** We take the protection of water in this province, whether it be surface water or groundwater, very seriously. I know the member opposite has a large riding. She didn't specifically say where her constituent resided in her riding, but perhaps in her supplementary, if she indicates the location within her constituency where that person resides, I may be able to provide some sort of answer for her.

**Mrs Dombrowsky:** This woman is a senior who lives in Marmora. I really don't understand what impact that would have, but in any case, she is certainly among those who are at risk by exposure to E coli. We certainly know that the elderly and the very young are more at risk. Did you, your government agency, tell anyone about this or notify any agency? No. You tossed a postcard in the mail.

My constituent took a second test on Monday. She called the office and she's been told once again that even though her well is considered highly dangerous, she still has to wait to get the second result in the mail. Right now, the few public labs that remain in this province find themselves pressed to the limit because of the cuts to the Ministry of the Environment. Now they are dealing with unprecedented volumes of water tests because of the events at Walkerton that have made Ontarians doubt the quality of our water. Many of my constituents are very concerned about whether or not they should be drinking their water, and tests are going into these labs in unprecedented numbers.

Minister, your process put this woman's health at risk. When are you going to listen to the people of Ontario and invest in more staff to ensure that Ontarians are not put at risk? When are you going to make their health a priority against tax cuts?

**Hon Mr Newman:** Anyone who has a private well in the province of Ontario ought to have their water tested on a regular basis. That would only be the prudent thing to do, to have that water tested to see if there is contamination or not.

But I can tell you that there is testing done of municipal water systems. Those communities with fewer than 100,000 people have eight tests per month, plus an additional test per month for every 1,000 population. Those communities with populations of greater than



100,000 have 100 tests, plus an additional test for every 10,000 population.

1430

### WALKERTON TRAGEDY

**Mrs Julia Munro (York North):** My question is for the Minister of the Environment and it is about the media reports this morning that the former mayor of Walkerton wrote to the Premier back in 1998 warning of an E coli outbreak. The report indicates that the letter was never responded to and was ignored. Can you please tell us whether this is accurate?

**Hon Dan Newman (Minister of the Environment):** I want to thank the hard-working member for York North for her question. The media reports are not accurate, and I'd like to take this opportunity to correct the record. Here are the facts:

The clerk of the town of Walkerton sent Premier Harris a copy of a resolution passed by the council calling upon the provincial government to maintain the Ministry of the Environment as the guardian of water quality, ensuring basic healthy water standards for all Ontarians. That, of course, is what the Ministry of the Environment does. We do set and enforce safe water standards. We are the stewards of the Ontario Water Resources Act and we are the guardian. Knowing this, the Premier responded in writing on July 3 and thanked the clerk for informing him of the council's resolution.

I also want to assure all members of this Legislature and the public that the government is committed to doing everything we can to ensure that our drinking water is safe. We all want answers to what happened in Walkerton, and the public inquiry and the three other investigations will do that in time. In the meantime, I want to stress to all members that we should deal only with the facts and guard against finger-pointing or assessing blame.

**Mrs Munro:** The media report also indicates that the government ignored the suggested possibility that contamination in local water could become a problem in Walkerton. Is this accurate?

**Hon Mr Newman:** No, indeed, it is not. In fact, on May 6, 1998, clearly a month before the clerk's letter was sent to the Premier, the government had written to the Walkerton Public Utilities Commission regarding specific areas of improvement that were needed with their water system, and the ministry required specific plans to deal with the identified issues. On July 14, the Walkerton Public Utilities Commission responded to the ministry by letter, explaining that each and every problem identified by the government had indeed been addressed.

I want to assure all the members of this Legislature and the public that our government is committed to doing everything to ensure that our drinking water is safe. We all want answers to what happened in Walkerton and, again, the inquiry and the three other investigations will do that in time.

### HOMELESSNESS

**Mr Rosario Marchese (Trinity-Spadina):** I have a question of the deputy leader. I know someone is calling him.

**The Speaker (Hon Gary Carr):** Yes. We'll stop the clock for a quick moment. I believe he was here and might have just stepped out for a moment.

Member for Trinity-Spadina.

**Mr Marchese:** Deputy, you might have noticed there's a protest outside; more than a protest, there's pandemonium out there. These are poverty groups. When people are desperate, that kind of pandemonium happens. Those people and the people of Ontario are calling upon your government to account for a Common Sense Revolution that has completely shut out the poor and the homeless. Before your government was elected, a homeless person dying on the streets was news, it was shocking, but now it's commonplace. The death toll began to mount in 1995, the same year that your government cut welfare, axed social housing projects and made it easier for landlords to jack up rents and throw out renters who couldn't afford to pay the bills.

About 1,600 renters in Toronto now face eviction each month. A staggering number of them wind up on the streets, and the number of homeless deaths is mounting. Much needs to be done and can be done, but there are two things you can do: You can build affordable housing and you can raise the minimum wage to help low-income workers. Why won't you do those two simple things for the poor in our province?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** First of all, with respect to what may or may not be going on outside, people in Ontario obviously have the right to protest and to express themselves. They have the right to disagree, obviously. That's part of our society. They don't have the right to damage property or break the law.

With respect to poverty in Ontario, nobody likes to see any individual, any person, living in unfortunate circumstances. Your government had your way of going about dealing with certain problems in Ontario society. I guess we can debate whether or not that was a more effective way of dealing with some of these circumstances that exist. The reality is that the province of Ontario does spend over \$2 billion a year on social housing. We spend close to \$4 billion a year on social assistance in Ontario. We are spending the \$50 million to refinance CMHC mortgages on social housing every year now, in addition to those amounts. We have given municipalities in the province an additional \$66 million a year to deal with shelter problems during the winter months. When you add all those numbers up, I guess we can have a debate in this Legislature—perhaps that's appropriate—as to whether that's sufficient or not. But the reality is that there are considerable monies being spent to help the less fortunate in our society. I can also

go on to many other programs that we announced, for example, in this year's budget.

Some things are also different today than they were five years ago; you're quite right. There are 707,000 more people working today, who have the dignity of a job and can actually contribute to society in Ontario, which is all they ever wanted the opportunity to do in the first place. There are over half a million Ontarians, including 222,000 children, who are no longer on social assistance or welfare.

**Mr Marchese:** Monsieur Eves, in your way and under your way, poverty is increasing; homelessness, in your way and under your way, is increasing; and the income gap, in your way, is increasing between those who have and those who have not, and this is happening in a good economy, Monsieur Eves, in your way. Perhaps you aren't moved by the scorched remnants of 20-year-old Jennifer Caldwell's life. She died in March when fire swept through her makeshift shelter in a downtown Toronto ravine. Maybe you haven't noticed that Jennifer Caldwell was the 22nd homeless death in Toronto since November. Maybe you haven't noticed growing public opinion that your tax cuts to the well-off are becoming grossly excessive and negligent in the face of growing poverty and homelessness. By God, think of the housing you could build if you devoted 80% of that \$1 billion you allotted in a \$200 tax rebate to instead alleviating the affordable housing crunch.

You know yours is a failed agenda when even the board of trade is putting public pressure on your government to attend to the homelessness problem in Ontario. The money's jingling in your pocket in particular, Monsieur Eves. When will you spend it on affordable housing?

**Hon Mr Eves:** Talking about the income gap widening, first of all, in every budget we have introduced—all five—we have introduced an Ontario tax reduction program to help the more modest income earners in Ontario society. As a matter of fact, if you earned less than \$15,695 in the province of Ontario, your tax reduction was 82.2%, on average. If you earned between that amount and \$20,525 annually in the province of Ontario, your average income tax reduction was 59.8%. Contrary to everything that the opposition parties said when we started our tax reduction program, not only did we not lose \$5 billion a year in revenue, we gained in excess of \$7.5 billion. It hasn't cost the taxpayers or anybody in this province one red cent. There is \$7.5 billion more in revenue coming into the province than there was before our tax reduction started. I know it's hard to admit that you were wrong, but you were wrong, wrong, wrong.

## WATER QUALITY

**Mr Steve Peters (Elgin-Middlesex-London):** My question is for the Minister of the Environment. Yesterday afternoon I made you aware of a situation in this Legislature: Results of water testing that had been

undertaken at the St Thomas Psychiatric Hospital came back with levels of E coli and coliform. I understand also that as of today reports are coming out of Wellandport of further situations. The daycare centre at this facility has been closed and a "boil water" order has been issued. The OPP, children's aid and Elgin municipal buildings have also had that order issued. The water at the psychiatric hospital has been shut off.

The medical officer of health has publicly stated that typing of the E coli strain is not tested until there are symptoms present. In other words, we are left guessing as to the strain of the E coli until someone has fallen ill. Why is this the case?

I've just received information this afternoon that there are reports that two children have been taken to hospital—two children who attended that daycare.

I understand officials from your ministry were in St Thomas last evening and took water samples back to Toronto. Did your officials test for the strain typing on E coli? What are the latest test results for this facility? Minister, what is being done to identify and clean up the source and to ensure the safety of the patients and the staff at this psychiatric hospital?

**Hon Dan Newman (Minister of the Environment):** I appreciate the question. In fact the sample taken from the daycare was from a single source. Ministry of the Environment staff and staff from the local health unit are conducting tests and we expect those tests back shortly. To determine the strain of E coli—I understand there's approximately 150,000 different strains—takes from 48 to 72 hours for that bacteria to be cultured and tests to be done. But I can tell you that we are expecting those results back shortly.

The medical officer of health issued an alert to the operators of the daycare facility of the hospital to close the daycare centre until the water system had been disinfected and until two consecutive safe sample results had been obtained.

You might also want to note that the medical officer of health has issued an alert to the rest of the facility to provide alternative drinking water to the patients and to the staff until the system has been disinfected and, again, two consecutive safe sample results have been obtained.

1440

**Mr Peters:** I've been assured by the mayor of St Thomas that the drinking water supply for the city of St Thomas and central Elgin is safe and that the psychiatric hospital is located in an isolated part of the water system.

Minister, I've had an opportunity to read a copy of a due diligence report for the Elgin area water system which was undertaken prior to downloading. This report outlined the grave concerns that the city of London had about the inferior level of service and maintenance at the water system plant. The 1998 audit was very clear that the capital works for the Elgin area water system had been underfunded by a factor of two or three over the past three years, based on information provided by OCWA. Fortunately, though, thanks to the initiative of the city of London and the Elgin county water users,



these repairs have been made, solely at municipal expense, ensuring that the users have a safe and secure supply of drinking water.

Your predecessor as minister was warned about the state of this water system. Members of the Legislature were warned about neglect by your ministry. The letter had been copied to Mrs Cunningham, Mr Wood and Mr Smith. Four Tories had this brought to their personal attention.

Minister, could you stand here today and explain why your government insisted on downloading systems that were noted to be in serious disrepair? But perhaps more important, how many due diligence audits exist across this province that have not been acted upon?

**Hon Mr Newman:** The member touched on many different topics in his question. He mentioned the fact that there is no bacterial contamination in the city's distribution network. That is indeed true. We have confirmed that through the Ontario Clean Water Agency, which is the operator of the facility. As well, the city of St Thomas has also confirmed that.

I can tell you that the London district office of the Ministry of the Environment has instructed the city of St Thomas works department to collect additional samples in the distribution system near the facility. The city will also disinfect the system.

With the regulation I have brought forward, which will require a new certificate of approval and a review of all the certificates of approval in this province, we're going to see each of the 630 water facilities in our province inspected by the end of this year. Our intention is to ensure that each and every facility in the province, if not in compliance, is brought into compliance.

I also want to remind the member opposite that municipalities are, and have always been, responsible for the delivery of water and sewage services to their community—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr R. Gary Stewart (Peterborough):** My question is to the Minister of Labour. Minister, your government has explicitly expressed a commitment to safety in both the workplace and the community. I know your ministry, along with the WSIB, has put forth a strong mandate for the safety of workers through education and prevention. Both you and I know that the government cannot do everything. Can you tell us what kind of involvement the business sector has in promoting safety in both the workplace and the community?

**Hon Chris Stockwell (Minister of Labour):** I'd like to thank the member for Peterborough for the question. There was obviously some thought put into it, and I know he's very interested in this issue.

**Mr Tony Ruprecht (Davenport):** You knew nothing of the question, I know.

**Hon Mr Stockwell:** Thanks.

Absolutely, Ontario's business sector is very supportive and active in promoting safety in the workplace and in the community. A prime example, the Safe Communities Foundation, was launched on April 23, 1996. The Safe Communities Foundation is a private sector, not-for-profit organization dedicated to reducing injuries. The goal is to eliminate injuries while promoting a culture of safety across the country.

The Safe Communities Foundation is the world's only national safety and injury prevention organization entirely funded by the private sector. Funding is provided by the five Canadian chartered banks, along with DuPont and Noranda.

Each year the foundation reaches over three quarters of a million people in Ontario and Alberta. Currently there are 18 safe communities, and it is expanding.

**Mr Stewart:** Originally being from the business community in my former life, I am encouraged to hear that the business community is taking an active role in the well-being of their workers and indeed the communities themselves. I hope the positive actions of these businesses are a stepping stone for the involvement of more communities.

Does government play a role in Ontario's Safe Communities Foundation?

**Hon Mr Stockwell:** Sure, government obviously plays a role in safe communities. WSIB has developed an experience rating incentive program to benefit small businesses enrolled in the safe communities project. It offers rebates to participating small businesses that demonstrate a reduction in injuries.

The WSIB provides funding to support special projects; for example, the Safe Communities Coalition passport to safety program in Peterborough, I might add, is a good example of Gary Stewart's strong advocacy and the supporting role that he takes in this.

**Mr Ruprecht:** Unplug that robot.

**Hon Mr Stockwell:** That was a good one for you, Ruprecht. It's a community-driven program and goal to educate young workers in workplace health and safety. In addition, MOL is represented on the Safe Communities Foundation board of directors by the Deputy Minister of Labour.

I want to thank you for the question. If you need any more information, please don't hesitate to call the Ministry of Labour.

#### INVESTMENT IN ONTARIO

**Mr Monte Kwinter (York Centre):** I have a question for the Minister of Economic Development and Trade. The economy is very buoyant in Ontario. We've heard of significant add-on, new investments. They're all with established companies in Ontario. But we've lost some potential greenfield investments, and these are new companies that aren't in Ontario. These have been lost in spite of prolonged negotiations with your ministry.

We have to compete with other jurisdictions both in Canada and the United States. For example, Mark IV

Industries of the United States decided to forgo Ontario and make an \$80-million investment in Quebec. Mosel Vitelic of Taiwan had planned to build a \$3.6-billion semiconductor plant in Burlington, decided against it and also moved to Quebec.

I know that you were personally involved in these negotiations. Could you tell us why, in your opinion, these companies and some others have decided to reject locating in Ontario?

**Hon Al Palladini (Minister of Economic Development and Trade):** I want to thank the member for the question. I know his interest in economic development in our province is a dedicated one. He has done a great job in promoting our great province.

As the honourable member knows, there is really no specific reason why some investments are lost. However, we're very proud of the investments we have won, not the ones we have lost. Obviously, we would have liked to win those as well.

When you look at the last five years, over 700,000 new jobs have been created by the private sector in our province; investors who had vacated our province under previous governments came back to reinvest more dollars in our province. Take a look at the existing investors we presently have and the further dollars they're investing in our economy because they believe in this government, they believe in the province of Ontario, that it is a very viable place for them to thrive and succeed.

**Mr Kwinter:** With all due respect, a lot of those investments are there to protect the investments they already had here.

But I want to ask you a question. You put out a publication and it says, "Here's where you should be doing business." One of the first things you say is, "Ontario means beautiful, sparkling, shining water in the language of the First Nations."

As a result of the Walkerton crisis, Ontario has been portrayed on CNN, on several of the US networks and on all of the Canadian media as a jurisdiction where there is a risk in drinking the water. With CNN, this has gone out worldwide. Ontario has also been labelled as the second-worst air polluter in North America, with a potential loss of 1,800 people per year, as a result of the air pollution. I'm sure that competitors, other jurisdictions, when they're making a pitch to attract investment into Ontario, will be asking those investors, "Why would you possibly invest in Ontario, where you can't drink their water and where you can't breathe their air?"

Mr Minister, what plans do you have to counter the negative image that Ontario surely must be getting in the economic centres of this country and other places in the world?

1450

**Hon Mr Palladini:** I'm kind of surprised at the honourable member's question because of the tragedy that the people of Walkerton are facing today, that the people of Ontario are facing today.

One of the things that I'm very proud of, when I go abroad selling our great province, is the quality of life

and the quality of the people we have in the province of Ontario.

Now I have something else I can sell. I can sell that fact that the people of Ontario, the people of Walkerton, have shown the courage to stand together and bond to see how we can get through this tragedy.

I want to tell the honourable member that we will do everything we must do to ensure that this tragedy will never, ever happen again. Ontario will continue to thrive and bring in new investments because the world knows that the province of Ontario is worthy of investing in.

## CHILD SAFETY

**Mrs Brenda Elliott (Guelph-Wellington):** My question today is for the minister responsible for children. Our children are precious to all of us and we must be ever-diligent in keeping them safe and secure. From time to time in my riding, parents and organizations have discussed with me their concerns and their views about safety for their children at home, at school and in their community. Could you please outline for members of the House what our government is doing to help these children in their varied environments?

**Hon Margaret Marland (Minister without Portfolio [Children]):** First of all I'm glad to have the opportunity to take this question from Brenda Elliott, the member for Guelph-Wellington. Since she was elected in 1995, she has personally demonstrated a tremendous commitment to the children of this province and in her riding.

Our government, as you know, is determined to enhance child protection, and our new child safety initiatives include \$5 million for a new prevention and intervention program to help teachers identify children at risk of neglect or harm, especially in their primary years. We also have now \$10 million annually to help women and children recover from the devastating effects of domestic violence. We have \$2 million annually for four years to address child prostitution. Indeed, we are ensuring that the safety and protection of our children is a top priority of our government.

**Mrs Elliott:** I know that you, both as a mother and a grandmother, and as a minister, take these responsibilities very seriously. Could you please tell us specifically what is being done in the area of improving child safety, particularly in child welfare reform?

**Hon Mrs Marland:** Our government spends more on child welfare than any other government in the history of this province. Last year, we passed tough new protection legislation. This was the first major change to the Child and Family Services Act in 10 years and we made those changes because the children's aid society's front-line workers were asking for those changes for a very—

*Interjections.*

**The Speaker (Hon Gary Carr):** Start the clock. Sorry, Minister.



**Hon Mrs Marland:** I thought the member for Windsor-Sandwich was actually interested in the welfare of children.

We made changes that the front-line workers of the children's aid society asked for. In fact, they also asked—

*Interjections.*

**The Speaker:** Thirty-eight left. Last warning to the member for Windsor West. We can't continue. I've warned you and we're getting down to the time now.

Sorry, Minister.

**Hon Mrs Marland:** The children's aid societies of this province asked for something else. They asked for \$170 million over three years to hire 760 new front-line workers. We gave them that money. We also increased the minimum rate for foster parents by 85%.

**The Speaker:** I'm afraid the Minister's time is up.

## ALLO STOP

**Mr Gilles Bisson (Timmins-James Bay):** I have a two-part question. The first part is very simple. Minister of Transportation, why are you putting Allo Stop out of business?

**Hon David Turnbull (Minister of Transportation):** I'm sorry, I don't understand the question that was asked.

**Mr Bisson:** The question again, quite simple: Why is the Minister of Transportation putting Allo Stop out of business?

**Hon Mr Turnbull:** When I find out what the member is talking about, I will endeavour to get an answer and commit to come back and answer what he's talking about.

**Mr Bisson:** If the minister doesn't know what's going on in his own ministry, I say resign, step aside, let somebody else run it.

Now, Minister, you should know. You're the Minister of Transportation. Allo Stop is a business that exists in Ontario in order to arrange rides for people who are trying to transport themselves from university back to home in a cheap way. A broker organizes rides with people, which is carpooling. Now we have the Ontario transportation safety board being lobbied by the big business people and the bus companies to put them out of business, and you've done nothing. My question to you is: What are you going to do to protect those small businessmen and get off the side of big business people?

**Hon Mr Turnbull:** Now that I can understand what the member is saying, let me say that what he is—

*Interjections.*

**Mr Bisson:** On a point of order, Mr Speaker: I want to know what he doesn't understand about Allo Stop.

**The Speaker (Hon Gary Carr):** Sorry to interrupt. Minister of Transportation.

**Hon Mr Turnbull:** Perhaps it was his pronunciation.

What the member is referring to, I believe, is a decision by a quasi-judicial board. It would be inappropriate for me to comment on their jurisdiction.

## PETITIONS

### EDUCATION LEGISLATION

**Mr James J. Bradley (St Catharines):** I have a petition which reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers—"

**The Acting Speaker (Mr Tony Martin):** Member for St Catharines, just wait for a second and we'll let you start over.

**Ms Marilyn Mushinski (Scarborough Centre):** On a point of order, Mr Speaker: I did attempt to rise on a point of order prior to the beginning of petitions. I would draw to the Speaker's attention that we do have in the gallery two very important and regal visitors this afternoon, who happen to be the brothers of the illustrious minister responsible for children, Harry and John King.

**The Acting Speaker:** That's not a point of order. I will allow the member from St Catharines to start over, if he wishes.

**Mr Bradley:** "To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I affix my signature. I'm in complete agreement with the petition.

1500

**Mr Rosario Marchese (Trinity-Spadina):** I have many petitions here from hundreds of people addressed to the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I support this petition.

**Mr Doug Galt (Northumberland):** I'm pleased to present this petition on behalf of the member for Oxford. It's addressed to the Legislative Assembly of Ontario. It has about five "whereases" concerned about Bill 74 and then it goes on to say:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

### SCHOOL CLOSURES

**Mr Tony Ruprecht (Davenport):** I have a petition in regard to government cuts and how these cuts have affected school closures in Toronto. The petition reads as follows:

"Whereas the Ontario government's decision to slash education funding could lead to the closure of many neighbourhood schools, including one of the most community-oriented schools like F. H. Miller Junior School; and

"Whereas the present funding formula does not take into account the historic and cultural links schools have with their communities nor the special education programs that have developed as a direct need of our communities; and

"Whereas the prospect of closing neighbourhood community schools will displace many children and put others on longer bus routes; and

"Whereas Mike Harris promised in 1995 not to cut classroom spending, but has already cut at least \$1 billion from school budgets; and

"Whereas F. H. Miller Junior School is a community school with many links to the immediate neighbourhood, such as a family centre, after-school programs, special programs from Parks and Recreation, and a heritage language program;

"Therefore, we, the undersigned citizens, demand that the Harris government changes the funding formula and

take into account the historic, cultural and community links that F. H. Miller Junior Public School has established."

Since I'm in agreement, I'm putting my signature to this document.

### OCCUPATIONAL HEALTH AND SAFETY

**Mr David Christopherson (Hamilton West):** A petition to the Legislative Assembly of Ontario that reads as follows:

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances, known as carcinogens;

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens;

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances in work;

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer and that the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

I continue to support these petitioners by adding my name.

### KARLA HOMOLKA

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;



"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I am pleased to affix my signature to this petition.

## EDUCATION LEGISLATION

### PROJET DE LOI SUR L'ÉDUCATION

**Mrs Claudette Boyer (Ottawa-Vanier):** This is a petition pertaining to Bill 74 on education.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers;

« Entendu que le projet de loi 74 donne le contrôle de l'éducation de cette province à une seule personne, la ministre de l'Éducation,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

« Nous demandons à ce gouvernement de donner plus d'audiences publiques sur le projet de loi 74 immédiatement. »

I am glad to attach my name to this petition.

## PROTECTION FOR HEALTH CARE WORKERS

**Mr Doug Galt (Northumberland):** I have another petition. It's addressed to the Legislative Assembly of Ontario. I present it on behalf of the member for Oxford. It has about six "whereases." It has to do with the nurses in Ontario and some of the difficulties they are experiencing.

In summary, rather than reading everything, my interpretation is that it's because of the lack of transfer payments from the federal government to support the provinces, such as Ontario, and the many other provinces and territories that are not receiving adequate health dollars. Then it winds up to say,

"We, the undersigned, urge the government of Ontario—"

**The Acting Speaker (Mr Tony Martin):** Order. I ask the member to read the petition, as opposed to making a speech.

**Mr Galt:** Thank you very much, Mr Speaker.

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience for health care workers, prohibiting coercion and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences, and establishing penalties for such coercion and unjust discrimination."

Obviously, Mr Speaker, it remarks on the problems of transfer payments. Thank you very much for the chance of presenting that.

## EMERGENCY SERVICES

**Mr Tony Ruprecht (Davenport):** I have a petition on how the Harris cuts are shutting down Toronto hospitals. The petition reads as follows:

"Whereas the residents in the west end of Toronto no longer have emergency room service at the Humber River Regional Hospital, formerly known as Northwestern Hospital, Keele Street site; and

"Whereas the west end of Toronto is the hardest hit area for emergency restrictions in all of Toronto; and

"Whereas Premier Mike Harris and Minister Elizabeth Witmer had promised changes to deliver a solution to the mess they initially created by closing hospitals; and

"Whereas it is not acceptable to Toronto residents that every one of the eight emergency room departments in the city's west end were closed on Monday, January 22 ...;

"Therefore we, the undersigned, call on Premier Mike Harris and his government to immediately address the health care problems in the west end of Toronto by reopening the emergency room at the Northwestern hospital, now known as the Humber River Regional Hospital's Keele Street site, and increase the number of in-patient hospital beds and keep its promise for interim long-term-care beds."

Since I'm in total agreement with this petition, I'm delighted to sign my name to it.

1510

## LORD'S PRAYER

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life; and

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I'm pleased to affix my signature to this petition.

## ORDERS OF THE DAY

### TECHNICAL STANDARDS AND SAFETY ACT, 1999

#### LOI DE 1999 SUR LES NORMES TECHNIQUES ET LA SÉCURITÉ

Resuming the debate adjourned on June 13, 2000, on the motion for third reading of Bill 42, An Act to enhance public safety and to improve competitiveness by ensuring compliance with modernized technical standards in various industries / *Projet de loi 42, Loi visant à accroître la sécurité publique et à améliorer la compétitivité en assurant l'observation de normes techniques modernisées dans plusieurs industries.*

**Mr Bart Maves (Niagara Falls):** I'm pleased today to discuss the proposed Technical Standards and Safety Act and introduce it for third reading before the assembly. This bill will allow the government to maintain the highest possible safety standards and facilitate technical industries operating in Ontario, to quickly take advantage of new innovations in safety equipment and technology.

Simply stated, the bill unites the province's seven technical safety laws into one consolidated piece of legislation. Included in the regulations would be the details and technical standards affecting the following: the operations of the boilers and pressure vessels that heat and cool Ontario's office buildings, schools, hospitals and factories; the safe use of more than 39,000 elevators, escalators and construction hoists; the work of ensuring that stuffed articles from mattresses to your winter coat meet Ontario's safety standards; the safe use and storage of hydrocarbon fuels; and the safety of amusement devices.

This legislation will pave the way for businesses and technical industries in this province to continue with the very high standard they have achieved so far in the province of Ontario. The Ministry of Consumer and Commercial Relations has worked together on this project very co-operatively with the Technical Standards and Safety Authority, the province's technical safety watchdog and the not-for-profit organization responsible for administering the statutes, in order to develop this bill.

I might add that the bill has been a long time in coming; it's been in the works for quite a bit of time. The consultation around it has lasted for many years, not just months. During this consultation, they reviewed the existing legislation thoroughly and they found that a new consolidated legislative framework was necessary in order to keep Ontario at the forefront of technical safety.

The act of amalgamating the seven provincial technical standards acts into one uniform piece of legislation would allow all technical industries to make improvements in safety equipment quickly, as new technology becomes available. As many people would know, in the areas of fuel safety, elevators, pressure vessels and amusement devices, technological advances that could improve safety are being made every day. As we move into a new era, a new age, the computer age, the high-technology age—

**Hon Tim Hudak (Minister of Northern Development and Mines):** Age of Aquarius?

**Mr Maves:** No, not quite the age of Aquarius, as my colleague says.

We need to make sure that we're applying more of these advancements and these new technologies to these many sectors, to make sure that all of these different items in our society are safe. It is our continued goal to ensure that these new advancements are available to help the people of this province.

One I can speak directly to is amusement devices, having had an accident over a year ago now in my own riding of Niagara Falls where a young fellow working on an amusement device was very seriously injured. I recall a couple of years ago we had an injury to some kids on a ride at the Ex. My father-in-law, Mike Collins, has been in the carnie business for about 33 years now, ever since Expo in 1967. He, along with his brother, Tom Collins, who now owns Collins Canadian Concessions in Niagara Falls, were the youngest entrepreneurs at Expo 67, and they have been in that business ever since. I know first hand from speaking with my father-in-law on many occasions about some of the concerns they've had over the years. They've talked to me about the many improvements they've also seen over the years in some of the equipment that's actually at these amusement parks. That's good news, but as you can see, historically, as recently as last year, we've had some accidents.

It is important that we remain at the forefront of technical standards and at the forefront of using these advances in technology to make these facilities safer. I know I want my kids to go on a ride that I am confident is safe, and I think today's legislation is very important in addressing this very aspect.

Ontario is seen as a leader in technical safety across North America and this government is committed to building on that reputation; not to lie back and just appreciate that we are considered to be the leader in technical standards, but we need to continue to build on that reputation by ensuring that Ontario can meet the technical and safety challenges of the new century.



In addition to enhancing public safety and the ability to respond more quickly to emerging safety hazards to protect the public more effectively, Bill 42 will provide Ontario consumers and technical industries with a number of other advantages. The Technical Standards and Safety Act will help to ensure a level playing field for industry through uniform administration and promotion of trade and commerce in these regulated industries across Canada as Ontario increases its ability to harmonize national and international safety codes and standards.

It's an important aspect of red tape. With all of the jurisdictions within Canada, the provincial jurisdictions and of course the federal jurisdiction, and jurisdictions throughout North America, all the different states, it's very important that we harmonize national and international safety codes so that we make sure we remain at the top of the world in technical and safety codes, that we get the experience from these other jurisdictions and we are able to adopt it in our own province. This bill will allow us to do that.

During the committee session on Bill 42, some recommendations for amendments were made that we decided not to act upon at this time, and I want to take this opportunity to clarify the reason for this decision.

As I've said, this legislation is technical in nature. It provides a framework for setting the standards for the regulation and day-to-day administration of technical industries. For example, consolidating the legislation will make it easier for a uniform system of regulations to be put in place so that the company that runs both elevators and amusement rides has consistent rules around how they apply for a registration or appeal a decision.

The legislation has nothing to do with delegation of the administration of public safety statutes to the TSSA, nor does it deal with the rules of governance, responsibility or accountability regarding the TSSA.

1520

The amendments proposed in committee dealt with matters that would rightly be handled under another piece of legislation that became law in 1996, that being the Safety and Consumer Statutes Administration Act, which I know my colleague Mr Johnson worked hard on and is very aware of.

Under this piece of legislation, the Technical Standards and Safety Authority was created and was charged with the day-to-day administration of Ontario's safety laws. TSSA has done an admirable job. The organization performs more inspections than it was able to as a part of the government. That's something it's important to note, and that was actually brought to my attention by the parliamentary assistant, Mr O'Toole, who worked very diligently on this bill.

TSSA is self-funding through the money it charges for performing design reviews, licensing and inspections. TSSA spends more money on public information and education and on training for staff than would be possible as a government office.

When the Safety and Consumer Statutes Administration Act was written, it was the intention of this government to review the activities of administrative authorities from time to time. This was planned, obviously, to ensure that not only are the administrative authorities accomplishing their tasks, but that they are responsive to the needs of Ontario consumers and businesses and warrant the continued support of the government.

As I said before, in the case of TSSA, there's no question that their standard of work has increased steadily. Our current Minister of Consumer and Commercial Relations, Mr Runciman, has stayed on top of that, and the very diligent work of the parliamentary assistant, Mr O'Toole, assures us of that. I think there are a variety of other objective measures that also assure us of the TSSA's work.

But one would now ask, what about the structure of the organization? Does it continue to meet the public need? These questions need to be carefully considered, and they will be in the organizational review that will come this summer. I'm not sure if Mr O'Toole will be directly involved with that, but I'm sure he will be interested in that and will follow it closely.

What are these issues that were brought forward in committee that some members considered so vital that the TSSA legislation shouldn't go forward without them? That was something that came forward at committee, and again is something Mr O'Toole has spoken to me about.

One example of an issue that would be inappropriate to address through Bill 42 has to do with the Environmental Bill of Rights. It has been stated that TSSA isn't answerable on environmental issues and that they should be addressed in Bill 42. First, this information is not accurate. TSSA is responsible for protecting public safety, as is set out in its letters patent. Only one of the public safety statutes administered by the TSSA, the Gasoline Handling Act, is required to be posted on the Environmental Bill of Rights registry. There is no plan afoot to change that. Some would fuel the fires—no pun intended—by saying that is the case, but no, there is no plan afoot to change that. So the question becomes, why would we want to amend Bill 42 to address it?

Another complaint is that TSSA isn't covered under the freedom of information and protection of privacy legislation. This is true. TSSA isn't part of the government and so isn't subject to the Freedom of Information and Protection of Privacy Act. Instead, TSSA maintains a comprehensive FOI policy which it is obliged to uphold under its administrative agreement with the Ministry of Consumer and Commercial Relations, and again our diligent minister and parliamentary assistant stay on top of this at all times.

There was another complaint, that TSSA isn't subject to review by the Provincial Auditor. The TSSA is not a government organization and therefore does not fall under the Provincial Auditor. But TSSA is subject to an external financial audit. I might add that there are a lot of other organizations that aren't provincial organizations that aren't covered by the Provincial Auditor.

In the past, some members of this Legislature, myself included, have expressed some concern about that and we have had discussions with the Minister of Finance, for instance, about looking at the possibility of expanding the different areas the Provincial Auditor can look at. However, if we came to believe that these or any other matters concerning TSSA weren't exactly as we thought they should be, then we'd make any necessary changes when the review was complete. We would make the changes in the context of the appropriate legislation which sets out the rules for all administrative authorities; that is, the Safety and Consumer Statutes Administration Act, which as I said before, Mr Johnson is very well aware of, not here in the middle of the legislation that sets out public safety standards.

The TSSA is doing, by all accounts, a fine job. The authority has strengthened partnerships with government organizations and associations across Canada and the US to promote greater understanding of Ontario safety requirements. They're achieving improved compliance from companies that come from other jurisdictions, but operate in Ontario. This of course is vital to Ontario citizens, that someone who comes from another jurisdiction is aware of the safety standards in Ontario when they operate in Ontario.

The authority has invested its revenues in public safety programs and services to the benefit of all Ontarians. It has worked with the ministry to conduct consultation with more than 200 stakeholders on the legislation we're here today to bring through third reading. I have no doubt the legislation will pave the way for businesses and technical industries in this province to continue with their current high standards, providing a safer environment for all Ontarians.

That's why I'm very happy to stand today in support of this bill. Again, I need to compliment the committee for its work. I need to compliment Mr O'Toole for his fine work, a gentleman who, everyone in this place knows, is as close to a workaholic as you get. He's constantly in the building. He speaks on every piece of legislation that comes forward. He speaks with a great deal of, shall I say, insight, knowledge, foresight, compassion and experience. I know the background he came from—General Motors. He worked for the corporation for many years and was a leader in that corporation. He's very well schooled in all these issues, so I want to congratulate him and the committee.

I want to congratulate, of course, Minister Runciman for his fine work. I have a few more minutes and I urge him to continue to be wary and to be aware of the wine industry in Niagara, which I know Mr Bradley supports, where we're looking at continuing to expand wineries and grape-growing efforts in the Niagara region.

Mr Runciman has recently been to Europe with some of the wineries to try to open up markets there that have been blocked to us for many years. We've passed VQA legislation. The Europeans said we didn't have legislation governing standards of our wineries and that was something they held up as a block to having our wines

enter the European Union. We have now passed VQA legislation in this assembly, in a previous session of the government from 1995 to 1999, as well as having a variety of other things for the grape growers and the wine industry.

Mr Runciman continues to be a fighter on behalf of that industry. He understands the concerns we have for our domestic market where Canadians, being the fair and free traders that we are, allow foreign wines into our country. Many would argue they have subsidies attached to them where ours don't. We sell them on the shelves of our LCBO and, in turn, we don't get access to their markets. We're growing very tired of that delay.

**1530**

I know the member from St Catharines supports our direction on this, to try to open up those markets, as does Mr Hudak, the minister from Erie-Lincoln riding. We're going to continue to work with Minister Runciman. I'm sorry I left the details of the bill to get that in, but I wanted to mention, while we talked about consumer and commercial relations and Minister Runciman's support, how much I appreciate that, and I know the members of the wine industry and grape growers of Niagara support that.

In conclusion, getting back to the bill, I am glad for the opportunity to support the Technical Standards and Safety Act. I look forward to hearing my colleagues' comments on it from all sides of the assembly today. I hope that we'll be able to pass this today.

Again, I want to thank some of the people who have talked to me, my father-in-law being just one, who have been in business for many years and have seen up close and experienced the amusement industry, have seen a lot of the machinery and come through some of the times many years ago, 30 years ago, when the standards weren't anywhere near what they are today and the equipment wasn't anywhere near what it is today. I think TSSA is going to improve that and continue to improve that over the years. Thank goodness, for our kids who participate in that.

**The Acting Speaker (Mr Tony Martin):** Questions or comments?

**Mr Joseph Cordiano (York South-Weston):** I was listening to the member's comments and there are a number of items that concern us on this side of the House with respect to this legislation coming into force. First of all, let me say that the TSSA will have significant input into what will likely be additional measures by way of regulation to ensure that standards will be met, and the setting of those standards in the regulations is required.

Unfortunately, we sit on this side of the House and say: "Wait a minute. We haven't seen those regulations." They will not be presented to this House for us to peruse and to have some input. That's always the problem when you introduce legislation and then set regulations to follow the legislation.

We are concerned for a number of reasons. As has been pointed out even by the member, there is less accountability with regard to the authority, the TSSA,



that oversees these standards. As a result of the way in which this comes into force and sets these authorities under the previous act, the government will be not be subjected to any liability in terms of negligence and the finding of negligence.

These are all concerns with this approach. So many times the government has taken the approach of distancing itself from citizens in what is truly a question of accountability. When you set up these authorities, you have created another barrier. Citizens have no access. They won't have the kind of access and input, and there definitely will not be the kind of accountability that's required.

**The Acting Speaker:** Further comments and questions?

**Mr Rosario Marchese (Trinity-Spadina):** The minister and some of the other MPPs responsible for this act would like us to believe that Bill 42 will help "to protect millions of consumers, every time they ride an elevator or escalator, take their children on a ski lift or Ferris wheel, or use the propane stove at their cottage." The minister says, "Under this legislation, we will become leaders in public safety by giving our technical industries the ability to quickly take advantage of new innovations in safety equipment and technology as they become available."

I think the people of Ontario will find these words very hollow in the wake of Walkerton. Can we trust this government to do anything that will ensure the safety of anything when we have witnessed what has happened in Walkerton and, indeed, many other parts of Ontario? I don't trust them, a whole lot of other people don't trust them, and we are passing this authority to TSSA. I have to tell you, Minister, I am worried because there are no references to the protection of the environment within the mix of regulatory and promotional roles outlined for TSSA and the government has transferred all of its policy and technical expertise in public safety regulations to this organization. So our safety is now in the hands of a private organization over which this government has very little authority.

Speaker, can you believe that? Who are you going to trust? This government that takes no responsibility and has given its authority away to somebody else who does not fall under the authority of this government so that we can be protected? Who do you trust?

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I am very happy to take part in this debate, this question-and-answer sort of thing.

The member for Niagara Falls spoke very eloquently about this bill and about the region that he comes from, some of the concerns he had about the wine region and everything else.

The member for York South-Weston and member for Spadina, a lot of times, members speak, especially members from opposite, as if the sky's falling, as if there are no standards. The member for Niagara Falls mentioned that when these technical standards are being revised, being looked at, there are stakeholders who have

direct input. As many as 200 stakeholders had direct input in the updating of these standards.

I, too, just like the member for Niagara Falls, am very concerned about some of these safety standards. My children recently bought their annual pass to Canada's Wonderland, and, of course, they're going to be enjoying their summer as many other kids will be enjoying it. We want to make sure that when these children go to some of these amusement parks the rides are up to standard; that we as parents can believe that our children, when they've left home, are going to be coming back safe and sound.

I very much want to encourage everyone to take a keen interest in making sure that the Ontario standards are up to par and are meeting not only the so-called local, but national and international standards. I want to assure you that our government will make sure that Ontario is up to par or better than anywhere in the world.

**Mr James J. Bradley (St Catharines):** I was intrigued with the speech by the member for Niagara Falls, because he managed to work into it reference to one of the important industries in our area and that is the industry known as the wine industry. Of course, we have grape growers and those who produce the wine from those grapes. I certainly know that he and I both support greater access for Canadian wines, particularly in the European market which has been tough to break into in some countries.

And I know he would support, as I do, the LCBO providing much greater space and much greater featuring of Ontario wines than happens at the present time. At least three quarters—perhaps more—of the time during the year, we are promoting foreign wines in the actual promotions at the LCBO rather than Canadian and, if we can be parochial, Ontario wines. I know my friend from Niagara Falls would agree with me that we want to see Ontario and Canadian wines featured far more in the LCBO stores.

We would also want to see a Wine Content Act which is going to be fair to our grape growers. In his riding and mine, there are people who grow grapes, and they are hopeful that their grapes will be purchased for the making of wine in Ontario and that we won't see mass importation and then have a relabelling that says, "Canadian wine" or "Ontario wine." Our grape growers are concerned about the Wine Content Act, and I know the member will have some direct input on that.

As well, we are concerned that there are certain wines that are made and pervade in some restaurants which don't necessarily meet the qualifications of the province of Ontario. The wine industry is concerned about that. The member for Niagara Falls and I want to ensure that only the very best reputation lies with Ontario wine.

**The Acting Speaker:** Response?

1540

**Mr Maves:** I want to thank the member for York South-Weston. Quickly, to some of his comments and his concerns about too many areas in the bill where the ministry can set regulations in the act, it's actually quite common in most bills in Ontario and in government

throughout Canada. There are many areas that are left to regulation because they are too technical. They are moving targets at all times, so a lot of things in most acts in the province of Ontario and in Canada and other jurisdictions are left to regulation and this is really nothing new. But I do appreciate him responding and at least putting out that concern.

The member for Trinity-Spadina trusts no one, but I welcome his comments.

The member for Bramalea-Gore-Malton-Springdale always has a very compassionate viewpoint to put forward and I appreciate that he did today also.

The member for St Catharines: It's nice that this bill, the Technical Standards and Safety Act, gives an opportunity to show how members from all sides of the House can actually work together on many things and can agree on a lot of issues. Sometimes in the newspapers and in the media, on television, you don't see a lot of the coming together by members on all three sides of the House on a lot of issues. As I said, the member for St Catharines and the member for Erie-Lincoln and I work together on quite few issues and one of those is the wine and grape growers. We are moving forward with the Wine Content Act. One of the nice parts about that is we're actually bringing together the wineries, the government and the grape growers to try to work out a solution to the Wine Content Act issue on their own.

I thank all members. I just wanted to mention that in the 1999 Provincial Auditor's report, when talking about the fact that he couldn't get in to see the TSSA, he did note that, although not covered by the act, "the TSSA has developed a voluntary access code in an effort to provide the public with a level of accountability for its operations." I just wanted to mention that the Provincial Auditor has recognized the TSSA for that.

**The Acting Speaker:** Further debate?

**Mr Bradley:** When you look at some legislation that comes forward, often you're under the impression, and largely because the government characterizes this, that you're dealing with a relatively easy bill, a housekeeping kind of bill.

I must say, in terms of a personal philosophy, my view is that to regulate any specific area requires someone who is at arm's length, who does not have a vested interest. I'm not saying there is never an opportunity where you cannot have an organization involved in regulation—I think you have to look at each case specifically—but generally speaking I prefer that you have a strong Ministry of Consumer and Commercial Relations regulating in specific areas. If it is a cost to the general taxpayer, this government certainly has never been reluctant to implement what we call user fees, if indeed user fees happen to be appropriate in a specific circumstance.

I always put it this way: I never like seeing the fox in charge of the henhouse, because somehow I think the hens are in trouble if the fox is lurking outside and in charge of the henhouse. So when I see the government abdicating what has been normally a government function, I become concerned. Certainly there are a number of

functions under the auspices of the Ministry of Consumer and Commercial Relations, just as there are under the Ministry of the Environment, and we have seen, again, a devolution, a movement away from direct control by government and something that's moving to a private, outside-of-government area.

I do not agree with that. Some people do. I always respect points of view of other people, but we've had a debate going on, obviously, within the cabinet, indeed a debate going on in the hallway of the Legislature between various ministers over the issue of privatization. This government, and they have said this—my friend the Minister of Municipal Affairs has made no secret of the fact that as a general philosophy he is not averse to and in fact he likes to see privatization of certain government services under certain circumstances. I think that's fair to say without having him stand up to object. I think that's a general enough way of putting it.

I happen to believe that sometimes red tape is good. In fact, I often thought of a good green tape commission as opposed to a red tape commission because it seems to me that—somebody just sent me in a Canadian Alliance membership form, Tom Long candidate. I don't know why that came in. I must have been mentioning the Minister of Municipal Affairs and in came this note about a membership form. Anyway, I won't need that.

So I have a concern about government abdicating its normal responsibilities to police certain areas. I don't think it's unfair to say that the government itself is getting out of the business of ensuring public safety. In other words, it has turned over a lot of these responsibilities to bodies that it believes—to be fair, it believes—can ensure public safety without direct government involvement. I happen to believe that we should have a strong Ministry of the Environment, a strong Ministry of Consumer and Commercial Relations. All of the ministries should have teeth with which to enforce laws which this Legislature, representing the people of Ontario, passes because it believes that they are in the interests of the people of this province.

We have seen, I think, some movement towards privatization in the field of the environment and I'm concerned when I see that happen. The government has been under considerable fire, as you would know, Mr Speaker, over the past three weeks over the events that have transpired surrounding the issue of Walkerton and the fact that perhaps as many as 14 people may have had death caused by drinking the water in Walkerton, water that proved to be contaminated. I'm concerned when I don't see a strong watchdog of such things as our drinking water. I suspect that what will happen is that the government will, in an effort to be seen to be doing something, not only acquiesce to the opposition's demand for a public inquiry with wide parameters and a good judge—and I want to say here that while I reserve judgment in terms of the final report from Walkerton, I think it would be difficult to say that Judge O'Connor would not be a person who could carry out that responsibility in a very competent manner. So I certainly say, in



terms of credentials, although I may not agree with some of his past representations, as a judge, I think he has a team—himself and a team—who can carry out a good inquiry and I suspect there will be a lot flowing from that.

But what I think is going to happen now is the government will want to be seen doing something. So they'll announce a big reorganization of the Ministry of the Environment. Maybe they'll announce it tomorrow because tomorrow is Friday and the Legislature isn't sitting. They'll say, "We're going to completely reorganize the ministry." Just as with the Ministry of Consumer and Commercial Relations, I don't believe there's a need for a major reorganization within the Ministry of the Environment. What's needed instead is for both of those ministries to have sufficient staff and sufficient funding to carry out their responsibilities. You see, you can't on one hand tell a ministry it's got the following mandate and then not provide the funds for that.

I had in my hand a little earlier, although it has escaped my hand now—I know if my staff is watching they will send it to me—a report from the Ombudsman. I quoted from it last night. This was a 1998-99 report of the Ombudsman. She talked about a crisis within the civil service in Ontario, a climate of fear out there because people didn't want to reveal the consequences of cuts taking place. She also made reference to the fact that the government gave a mandate to ministries and then did not provide the financial resources to carry out that mandate.

I think the Minister of Consumer and Commercial Relations, because we have seen some significant cuts in a number of ministries, may well feel the same, that if he were confronted with the same circumstances as the Minister of the Environment, that is, not having the staff and resources to carry out his responsibilities, he would feel the same way about that.

1550

Also, we have had a situation where it appears there was not appropriate oversight—I think we see that across the province—and again it comes from a philosophy of wanting to have government withdraw from various areas. I realize there are two opinions, perhaps more than two opinions, on this. Some of my friends on the other side strongly believe that the government should be withdrawn from many areas of endeavour, many areas of responsibility. Some would like to dismantle many of the ministries of government and some of the roles they play and allow the private sector to play those roles. Some would like to see massive tax cuts for the corporate sector so that, as they would say, they could be competitive with other jurisdictions. Indeed, this government has been very generous to the corporate sector: I think—someone over there will correct me if I'm wrong—some \$4 billion in tax cuts for the corporations in this province. These are further cuts, by the way, to what they've already given to the corporate sector, and will take away the necessary revenues that government needs to carry

out its responsibilities of protecting the health and safety of people in this province.

I happen to believe in a strong private sector. I happen to believe that free enterprise provides a lot of benefits for people in this province. I happen to believe that business people work hard at their jobs, that they contribute immensely to the success of our economy. But I think even people within the business world, particularly progressive-minded individuals—and there are many now in the business world—believe that the quality of life in the province is equally important, and having an oversight in such areas as public safety, where the government plays a significant role, such as it could before Bill 42, the Technical Standards and Safety Act. If it were to maintain that, then they would feel good about it, just as they do with health care.

The provision of public health care in this province saves for corporations in this province, I think my friend from Scarborough-Agincourt, Gerry Phillips, said the other day, something like \$2,500 per employee per year, if you look at the amount of money that's saved by governments. So that's a benefit that corporations would look to.

They would also look to a clean Ontario. I remember just before the last election—you live in a border community, Mr Speaker, so you'd remember this—the government was running its endless government ads saying what a great place Ontario was. Now you and I, being opposition members and perhaps just a bit suspicious, probably thought that those ads weren't aimed at the people of Michigan or the people of New York state or Pennsylvania; they were aimed at the people of Ontario. It just happened to be a few months before the election. They just happened to talk about all the virtues of Ontario. In fact, they said it was a clean, safe place. One has to wonder what they believe today, as Mr Kwinter said when he was up with his question. CNN and other international reports are looking at Ontario and saying, "What the heck happened to the water system?" We hear it daily now. I heard that Wellandport, in my part of the province where I reside, the Niagara Peninsula, had a problem with E coli today. The member from St Thomas mentioned it. Ms Dombrowsky from eastern Ontario mentioned a problem in her riding. Various members have raised this.

I think the government has a significant role to play. Just as I don't think the Ministry of Consumer and Commercial Relations needs a public relations overhaul, I don't think the Ministry of the Environment needs a public relations overhaul. It simply needs the funds and the staff to do its job, and the clout. You can't say to your employees, "Well, you have to be business-friendly," and then expect that they're going to be as assiduous and aggressive in carrying out the responsibilities to prevent and deal with pollution problems as if you say: "Look, you have an open hand out there. You can do as you see fit. Just enforce the laws of this province as you see fit."

I hoped that with the Ministry of the Environment in charge, as I think in the case of laboratories, we could

avoid many of the tragic circumstances that could result and in fact did result in Walkerton. You see, I like public laboratories. It doesn't mean the only ones in the province are publicly run. I don't think that's the case. We have lots of others. I think the laboratories in this province are absolutely essential. The Ministry of Health and the Ministry of the Environment both had public laboratories in which they conducted tests, and I had confidence that our people within our government, responsible to this Legislature, responsible to the people of this province, would indeed be people who would report immediately any concerns about a virulent form of E coli such as we saw up here in the water of Walkerton.

I believe to this day that had a Ministry of Environment lab spotted that sample or those samples, they would have contacted the medical officer of health immediately and said, "This place should be shut down," and I think we could have avoided hundreds of people being sick and perhaps the deaths that were there.

I happen to believe as well that a strong reporting system with enough people at local offices would be able to deal with this matter in an appropriate fashion. So I know you'll forgive me, Mr Speaker, if I'm leery of turning over to a non-government agency again responsibility for public safety.

Let me read you a press release from the Ontario Public Service Employees Union about the cuts in government. One can say, "Well, of course they're there to protect the employees they represent, and that's part of their responsibility." Everyone recognizes that. But I think it goes beyond that. Let me read for you what it says:

"Health at Risk if Environment Enforcers Cut, OPSEU Says.

"Ontario Premier Mike Harris will jeopardize the health of all Ontarians if he lays off public employees who enforce environmental laws, the Ontario Public Service Employees Union says.

"The work of environmental officers and related workers is the main thing standing between toxic chemicals and the people of Ontario," OPSEU president Leah Casselman said. "Laying them off poses a very real danger to public health."

"Environmental officers and related workers monitor air, ground and water pollution at landfill sites, sewage treatment plants, factories and mills across Ontario. They issue approval certificates for industry and develop strategies, including legal action, to abate pollution.

"Exposure to industrial pollutants has been linked to cancer, respiratory illness, birth defects, diseases of the nervous system, allergic reactions and decreased resistance to disease, Casselman noted.

"The Conservative government announced a \$15-million cut in operating spending for the Ministry of the Environment and Energy July 21. But that cut could be small compared to the cuts yet to come, the union says. Mike Harris has vowed to cut 13,000 jobs—possibly as many as 20,000—from the Ontario public service.

"An increasingly toxic environment may be the single biggest reason Ontario spends a billion dollars a year on cancer treatment," Casselman added. "The cost of all 500 environmental officers is barely 3% of that amount.

"We sincerely hope Mike Harris is not going to go soft on environmental crime by laying off environmental enforcers," she said. "It's just common sense to hold on to the people who are protecting all of us."

Let me tell you why I'm quoting that. You know what's the most important thing about this? It's not simply the content; it's the date. The date of that press release is September 19, 1995. The reason I say that is that it fits a pattern. We had the Provincial Auditor, a totally independent person, warn the Ministry of the Environment about potential problems with drinking water. We had the Environmental Commissioner, Eva Ligeti, fired after she gave a report which was not complimentary of the government, critical of the government. She warned of problems in the water system. We have internal memos that have come forward; this one in January of this year, Proposed Revisions to Ontario Drinking Water Objectives, related to "Small Systems—Alternative Sampling and Monitoring," and "Drinking Water Coordination Committee—Ad Hoc Group." It talks about all the potential adverse consequences, dire consequences of the ministry abdicating its responsibilities as it had in this area. We've had environmental groups who have on a continuous basis brought to our attention the potential for disaster if we followed the path of continuing to downsize our ministry, to fire people out the door and to underfund them.

That's why I have a concern about this bill before us today, the philosophy of it. If they had accepted some amendments provided by the opposition—there were some amendments provided by both parties. They could have accepted all of the amendments and it would have alleviated some of the concerns, but they did not.

1600

Here's something: We had an Ombudsman's report this morning. Let me share with you what the Ombudsman said in her annual report in 1998-99 in exactly her words. I made reference to it earlier.

She says of civil servants: "Generally speaking, they are committed professionals dedicated to serving the public to the best of their abilities. The fact is a demonstrable lack of resources has led to an inability to provide acceptable levels of service, and senior government officials have failed to take adequate steps to address the problems.

"As Ombudsman I have witnessed the development of what I can only describe as an atmosphere of fear among public servants, where senior officials are afraid to question the wisdom of the government's approach for fear of reprisal or loss of reappointment. As a result, many of the values upon which the public service has historically relied, including the obligation to 'speak truth to power' even when the truth is unwelcome, have been seriously undermined. I have also observed a not unrelated trend as some senior officials become unwilling



to admit their inability to deliver adequate service. Instead they offer reassurances that despite evidence to the contrary, all is well, things are getting better, and improvement is just around the corner.

"It has been my experience in recent years that there is a fundamental contradiction between promising higher standards of service on one hand and on the other, systematically underfunding those agencies mandated to deliver the service.

"The result of this tension between expectations and reality is a public service in serious decline and increasing numbers of people in crisis."

What I would prefer to see is to enhance the authority of, and to provide the necessary staff and clout for, the Ministry of Consumer and Commercial Relations and agencies within it to carry out the responsibilities that are suggested shall be carried out by a new agency at some distance from the government. That is why, without the amendments being accepted from the opposition, I'm apprehensive about the implications of this bill.

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** I'm pleased to participate in a modest way in the discussion concerning the remarks of the member for St Catharines. He has woven this bill into the wider issues of public policy, which one could say is his temperament, and it is very similar to discussions we've had in previous days.

In that same spirit, I can assure the honourable member, and perhaps those who are watching, that our government is still committed, and I believe it's our duty to be committed, to the delivery of the best services, the safest services, the services that are most accountable to the taxpayer, not only directly, but also through our transfer partners and through our municipal partners and so on. We're not talking about privatization or sale of assets; we're talking about the delivery of services. If we can't do that, then I seriously wonder what our role is in government. I wonder what we're spending our time doing.

It is our role to always look for better ways—similar to this bill as well—to deliver safety, but in a way that is more modern, in a way that is more accountable, in a way that will get us to the goals that perhaps I and the honourable member for St Catharines share. Does that mean that in some instances there has to be an over-arching regulatory framework? Absolutely it means that. Absolutely the government should be there to set the standards, should be there to make sure that there is some form of accountability mechanism. If we can't do that, we should be in a different business, absolutely. But it doesn't mean always doing things in the same old way. Sometimes it means actually rejecting the status quo to get us to better services, safer services, services that are more accountable to the taxpayer. On this side of the House, that's what we're committed to.

**Mr Cordiano:** I wanted to say that of course my colleague from St Catharines, as is customary for him, made excellent remarks. He got to the crux and the very essence of what is wrong essentially with this govern-

ment's approach. They may be looking for more efficient ways to do things, but it's not necessarily the best option. It may be a cheaper option, but is it the best option for citizens? Are we going to get a more effective way to do things? At the end of the day, there is a cost associated with reducing staff and reducing inspections. There is a cost in terms of quality. Are we getting quality inspections? Are we getting quality when it comes to enforcing the regulations that are in place?

We happen to believe that when it comes to enforcing regulations, public services that are provided by way of inspection ought to remain in the public domain. They should not be sent out for privatization. We believe the delivery of those services with respect to health care, with respect to education should be in the public domain. When it comes to enforcing those and providing for inspections, the Ministry of Consumer and Commercial Relations ought to be doing and carrying out the work. We think it's wrong that they have privatized, that they have set up authorities or agencies to conduct the inspections, because we are seeing the tragic results of that. Unfortunately, try as you may to keep those standards high, it remains to be seen whether these authorities and outside agencies can carry out that work.

I want to congratulate my colleague the member for St Catharines for his remarks.

**The Acting Speaker:** Further comments and questions?

**Mr Marchese:** I want to support the member from St Catharines by adding a few comments. What worries us is the structure of the industry's self-regulation. That's what's problematic about this Technical Standards and Safety Act. It's the structure of a private organization left to find its own regulatory way through the public safety maze which worries me and worries us. To hear the minister, he says, "Of course we want more accountability." We don't have it here in the structure. It isn't here.

It worries us when we read about the coroner's inquest currently underway into the 1998 death of Jerome Charron, who died at the Central Canada Exhibition when he became detached from the Rocket Launcher reverse bungee ride. At that inquest, the director of the marketplace standards and services branch of the Ministry of Consumer and Commercial Relations said that two inspectors who examined the Rocket Launcher four days before Charron's fatal ride had little or no training inspecting reverse bungee rides. "Inspectors act as a second pair of eyes, checking the work of an engineer hired by a ride operator," the director said. "But that second pair of eyes doesn't necessarily have the accreditation to do the inspection in the first place," he admits. That's the problem. Where is the accountability structure?

"Bill 42 allows the Technical Standards and Safety Act to change regulations to reflect innovations in amusement rides." But what does it do to ensure that qualified inspectors are regularly looking out for the public safety, except to hear the minister say that it does?

But it doesn't. We are absolutely worried about that on this side of the House, because we've seen it happen before. We've seen what happened in Walkerton, and we have no trust in what the government is saying. I have no trust.

**Mr Maves:** I want to address this issue head on that the member for St Catharines, and some of the other members subsequent to him, raised. Yes, the TSSA is a private, not-for-profit safety authority, but what you must realize is that on the governing board of directors are not just industry officials but also government officials and consumer representatives. It's important to have the industry officials on there. It's the industry they're in. It's the industry they know and have a knowledge of. It's obviously important to have them there, but there are government and consumer representatives on the board of directors.

Also, TSSA's accountability to the minister is already established through legislation in the Safety and Consumer Statutes Administration Act. It's already there. They are already accountable to the minister. The TSSA is self-funded through licensing and inspection fees of approximately \$25 million a year. Again, the TSSA delivers the same regulatory functions—including licensing, design reviews and inspections—as were previously delivered by the government under this legislation. That has not changed. The authority is responsible for the day-to-day delivery of safety programs in Ontario, but the government continues to be fully responsible for the province's safety legislation, regulations and policy.

1610

As I said earlier in my comments, the TSSA has maintained an excellent track record to date in its administration of public safety programs. Since it was established inspections have increased, consumer education has increased and the resources invested in public safety programs have grown significantly. In fact, since the delegation in 1997, across all sectors for which TSSA is responsible, inspections have increased from approximately 138,000 a year to 178,000 a year. So there's been no decline whatsoever; in fact, a large increase in the inspections since 1997.

**The Acting Speaker:** Two-minute response, the member for St Catharines.

**Mr Bradley:** I'm thankful to all the members for their interventions this afternoon. It's been most helpful, the clarifications and so on.

The member for Trinity-Spadina mentioned accreditation. That's my worry when we come down to looking at the various sewage treatment and water treatment plants in the province. I'm worried about the accreditation of the individuals who will be doing that inspection. As you know, I've asked questions several times in the House and have not received an answer.

My good friend the Minister of Municipal Affairs, Tony Clement, should know that I've received from the Tom Long leadership campaign a challenge for him. He wants me to share this. I want to respond to his response. It says:

"Everyone in Tom's organization is being challenged to sell 12 memberships among family, friends, neighbours and colleagues. Those selling 12 or more memberships will be eligible for a draw for tons of fabulous prizes. Sell the most memberships and you win a free trip to Calgary, expenses paid, for the Canadian Alliance leadership vote."

It says, "Fax your memberships to the following telephone numbers," and the membership form is attached; I have it here for those who would like to see Mr Clement after the session ends today. "The contest begins at 12:01 am June 15 and closes 12 midnight June 15." So it isn't very long; daylight saving time, by the way. "All memberships must be received by this time to be eligible because we have to stop the tax-and-spend Liberal policies that are giving Canada's future away. So please encourage your family, friends, neighbours and colleagues to help Tom's campaign by joining the alliance and supporting Tom on June 24." The membership is \$10 per person.

I didn't think Mr Clement would have a chance to speak further in the House and I did want to issue that challenge to him this afternoon.

**The Acting Speaker:** Further debate? The member for Trinity-Spadina.

**Mr Marchese:** Speaker, I thought it was to the Tories now, but maybe they don't want their turn, and then the Liberals, then me. But you can change the order, I suppose. We might make it—Speaker?

**The Acting Speaker:** You're up.

**Mr Marchese:** OK. So from now on I won't wait my turn twice; I'll just jump right in and it'll be acceptable by the rules. Is that correct, Mr Speaker? I'll remember that because I'll cite this as a precedent.

*Interjections.*

**Mr Marchese:** All right. I'll wait for some clarification.

**The Acting Speaker:** Just for clarification, member for Trinity-Spadina, the actual rotation was to go to the government side and then back over here, you're right, but nobody stood up on the government side, so you're it.

**Mr Marchese:** They don't know what they're doing. Isn't that the problem? They don't know what they're doing. They don't know what they're doing in Walkerton; they don't even know what they're doing in this place. They ought to know they should be standing up but they're not; they're always sitting down.

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Mr Speaker: I'm happy to accommodate the member, to have someone from this side stand up, and so I've done so, if that makes him feel better. We were so anxious to hear what he had to say on this, we wanted to hear from him first so that we could respond.

**The Acting Speaker:** That really wasn't a point of order. Member for Trinity-Spadina.

**Mr Marchese:** I make him feel bad and then he says, "I'm happy to accommodate you." Ha, I was already accommodated. I was on my feet. You can't re-accommodate me once you sit down and I'm up, can you?



*Interjection.*

**Mr Marchese:** I'm going, I'm going, Monsieur Clement. I'm coming.

There's so much to say and so little time. We are concerned about this proposal, Bill 42, the Technical Standards and Safety Act, which refers a lot of authority to a whole lot of things to this Technical Standards and Safety Authority. I'm concerned; our party's concerned. I quoted earlier that it "helps to protect millions of consumers, every time they ride an elevator or escalator, take their children on a ski lift or Ferris wheel, or use the propane stove at their cottage.

"Under this legislation, we will become leaders in public safety by giving our technical industries the ability to quickly take advantage of new innovations in safety equipment and technology as they become available."

All they are talking about is taking advantage of new innovations. That's all this bill does. But it doesn't provide any of the accountability mechanisms we were looking for. It transfers the authority away, not to an agency that is accountable to this government, but to an authority that is accountable to itself. And that's the problem—transferring the authority to somebody else. Who do you trust? Do you trust a government agency that's accountable to government or do you trust a self-regulated body? You don't know what they're doing.

When it comes to a conflict of interest, which I will speak to in a second, when members come from the industry represented on that body, what is their interest when it comes to a matter of public safety? As representatives of their own respective corporations sitting on this authority, are they there to protect the public interest or to protect their own interest?

I have no doubt that the minister will say, "Good God, I'm sure they're there to protect the interest of public safety." Well, I don't know that. I'm worried about the double standard there. I'm worried about the double role they play. Everybody ought to be worried. Will they be torn between the public safety responsibilities they hold in this organization and the economic or policy issues that could affect their employees outside of the TSSA?

You can imagine their dilemma. I can imagine their dilemma. That's why I raised it as an issue. Do I push for tougher safety regulations or do I keep the status quo because tougher regulations cost money? I'm very interested in hearing what the minister has to say in this regard because I raised the fear and the concern that I have about the function of these people who are connected to an industry. It should be at arm's length and it should be accountable, as any other government agency, to the government. It isn't accountable; it's self-regulated as a body unto itself.

We made a number of changes and recommendations, amendments to this bill which have been rejected by this government, as you might expect. For instance, the TSSA is now responsible for public safety of things like underwater storage tanks for gasoline at the corner station. These are areas that have a tremendous impact on the environment, yet there are no references to the

protection of the environment within the mix of regulatory and promotional roles outlined for the Technical Standards and Safety Authority—none.

The whole idea of moving from regulation by public servants to industry self-regulation has been very troubling, and it ought to be for every citizen and taxpayer in Ontario. Among other things, this government has made the TSSA responsible for elevator inspections. Here's what we hear from the inside. You may or may not believe it, good citizen of Ontario, good taxpayers of Ontario, but this is what we hear from the inside: The inspectors who used to work for the Ministry of Consumer and Commercial Relations now work for the TSSA. The elevator inspectors found that when they wrote reports, the companies involved went to the TSSA management and complained. This was known internally as Operation Clean Sheet. Fortunately, the inspectors stood up to their management—the Lord exists—and then they were told only to write up "direct and glaring contraventions." Again, the inspectors stood up for public safety when TSSA management wanted to cave in to the companies they are inspecting.

**1620**

Troubling stuff, don't you think, for the citizens of Ontario who ride elevators? Sure it's troubling. I'm troubled by it. But that's the inside story.

Bill 42 allows the Technical Standards and Safety Authority to change regulations to reflect innovations in amusement rides, but what does it do to ensure qualified inspectors are regularly looking out for public safety? What does it do? That's the question I ask the minister, M. Clement, who's been here much of the time. But I guess he heard enough.

The coroner's inquest into Jerome Charron's death has heard that a blue nylon strap was improperly added to the bungee harness attachments. Risky, dangerous stuff. We need the extra eyes that come from qualified inspectors, that come from government inspectors we can rely on, the second pair of eyes that every young man, woman and adult who uses those rides would want to have.

The TSSA is not subject to the same levels of accountability that a conventional government agency would be subject to, and that's the problem. We are saying—Marilyn Churley has been saying, Tony Martin has been saying; the President is a critic as well—that similar organizations under the formal accountability framework normally applicable to provincial government agencies, including the Audit Act, Ombudsman Act, Freedom of Information and Protection of Privacy Act and Lobbyists Registration Act—this organization doesn't have the same formal accountability structure as these other bodies do and we argue it should. Because it is outside of those accountability structures, it doesn't face the same accountability that we as citizens expect, ought to be expecting.

Doesn't that worry you, citizen of Ontario? It worries me. Or are you just going to rely on the minister to simply say: "Of course we worry about accountability. Of course we have accountability?" Well, spell it out.

Where is it? Why doesn't it fall under the same accountability structures as the bodies I mentioned? It should. It ought to, but it doesn't.

It's the shifting away of our responsibility as governments, abdicating a responsibility as governments to do the job of public protection of the safety of the public. It is our job to worry about that, not to pass on that important responsibility to another body, arm's length, self-regulated by people in the industry who have an interest to protect. Do you, good citizens, trust that kind of body, unaccountable to the government, unaccountable structures, self-regulated by people who have a money interest to protect, to protect your public interest? Worry about it.

I worry about it, because that's what this government is all about. Continuously, we see this government shedding its responsibility, abandoning its responsibility by saying, "The private sector can do it better." I don't trust the private sector. I trust a government that has the inspectors, policies in place and accountability structures in place that will give us the certainty that we as citizens are looking for. That's who I trust. I don't trust some other body, accountable to itself, members who come from an industry to protect their interests. I don't trust that and neither should you.

This government has a great deal of trust in their private sector friends to do the job. We saw what happened in Walkerton, and I keep on telling you that's just the tip of the iceberg. They're going to have to expend a great deal of resources and time to fix that problem, and they will do it, I guarantee it, because they know they're in such political trouble that they've got to spend money to solve that problem. In spite of the fact that it might take from some other area, they will find the money to fix the water problem because it connects to people's health and they can't play with that kind of issue. They will spend the money now.

They have allowed the situation to deteriorate to the extent that we've got trouble—

*Interjection.*

**Mr Marchese:** I'm talking to the citizens, John. My hand is pointing to the citizens, not to you.

They create the crisis and then they've got to defend themselves, scurrying like little rabbits to try to salvage something out of that tragedy. If they had put the money in place, we would never have had to worry about our water. If they had put money in place, we wouldn't be worried about the protest we had outside, where people in desperation, in anger at the situation they find themselves in—where there is more poverty, more homelessness and a greater income gap between the rich and the poor than we've ever seen before in a good economy. They're becoming desperate and angry.

We shouldn't have such protestations of the sort that we have seen today by the poverty groups. But because this government continues to extol the merits of the private sector, continues to give billions of dollars to the private sector and billions of dollars in income tax cuts to the well-to-do who don't need the money, they then find

themselves unable to respond to the needs of the citizens of Ontario because they don't have the money. They're giving it away. They have given \$5 billion to the corporate sector in last May's Treasurer's announcement. We're not talking five bucks, we're not talking \$5,000, we're not talking \$5 million; we're talking \$5 billion—add a whole lot of zeroes to the end of that—to the corporate sector because presumably the government says: "These poor companies have not been doing too well in the last five years. Oh yes, their corporate profits have gone up so much, but it's not enough. They could be making millions and billions more if only we as a government could take the public's money and give it to them."

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I can't believe it. I can't believe I'm sitting here—

**Mr Marchese:** Eh, David Tilson, if only we could squeeze the taxpayers a little more so that we could give five billion bucks to the corporate sector, then they would be richer. Wouldn't that be grand?

Then the \$1-billion boondoggle, bamboozled by these Tories; you know, the Tories who say: "We don't have any money. We can't waste any money. We don't waste money like the previous governments." Then they blow \$5 billion to the corporate sector, that hasn't been asking, that's been doing well without it. That's \$5 billion, Speaker—your government—gone. In a good economy you give the taxpayers' money away. You've got to be nuts, I've got to tell you.

It's virile madness, virile Tory madness we're talking about. One billion bucks gone to buy the votes of the public so they can get a cheque in the mail, 200 bucks.

"Ah," Mr Eves would say, "but it's your money and you can do what you want"—one billion bucks in the aggregate gone, wasting the taxpayers' money, thrown away, when they could have reduced the debt if they wanted to, as good Tories ought to do. They could have reduced the debt. Oh no, they're looking for 200 bucks because maybe they haven't been able to buy enough coffee with it, and then the biggest boondoggle of all: to give the money managers who handle the rich man's money, the money managers who want to sit on the little computer day in and day out, the real welfare corporate bum sitting at his computer, moving money from one computer to the next, making thousands and thousands and millions and millions of dollars—do you know what, good taxpayers of Ontario, this government has said to those people? "You work so hard, so if you make up to \$100,000, we're not going to tax it, because you work so hard there on your little computer, every second moving the rich man's money away, moving it from one point to the other. You're so badly off we want to give you a \$700-million break."

1630

Speaker, that's what your government is about, taking my money and the money of the taxpayers in your riding to give to the wealthy. How do you like that? That's what I call virulence, madness. Speaker, you are downsizing, decapitating ministries, left helpless without any support



or money. You are privatizing like we've never seen before. You want to give this agency more power, make it less accountable, and what have we got? We've got people like Clare Lewis, the new Ombudsman, who cites two examples of privatization initiatives that point to the need for accountability. They are Highway 407 and correctional services. Clare Lewis, a respected former judge, is telling you he's concerned, good citizen and good taxpayer, about your privatization initiatives, particularly as they relate to Highway 407 and correctional services as well. While superjails have not yet been implemented, Mr Lewis says the need for accountability mechanisms is there. There are a lot of complaints now, particularly about lack of access to health care, as but one example.

We need government back in, not out. These people say we've got to get governments off their backs. I don't want government off my back if the tragedy is Walkerton. I want government back in, not out. These people should be out and government should be back in. But that's the policy and the politics of this government: Get governments off your back.

No. You get off our backs and resign. Do something. Resign. We don't need you here.

**The Deputy Speaker (Mr Bert Johnson):** Comments and questions?

**Mr John Hastings (Etobicoke North):** It's interesting to hear from and see with my own eyes, standing before us, the member for Trinity-Spadina. Actually, the member for St Catharines too would be placed in the same category of proponents of big government, big government solutions, because only within that framework can you have accountability. But when you look beneath the glitz of their argument, the seduction, there really is a question of accountability when you look at their solution.

Examples abound. The member for Trinity-Spadina talks about problems in the public sector when you privatize or commercialize, but everything he cited, especially with the jails, occurred in a public sector framework. If you look at the NDP government of British Columbia, guess what? In their children and families ministry, back about three years ago, they had a tremendous problem of supervising high-risk children. What happened? Here was a public sector organization that was completely unaccountable and couldn't come to any solution on how you protect the safety of those children. The big-government solution, if it is the really great one that these two espouse, especially the member for St Catharines—I hope he's listening very carefully to the next comment—is that the Ministry of Health back in the Peterson government, succeeded by the NDP, had the grand idea of creating a level 4 lab in the riding of Etobicoke North, right over Toronto international airport, right in the middle of the 401, with at least 200,000 people. Guess what they were going to put in there? Marburg and Ebola diseases, the viruses that can destroy you in about a moment, the blood curdling through the veins; they kill you. That's accountability. That's the idea the member for Trinity-Spadina has of accountability?

**Mr Bradley:** It's a good thing there were some of us there, of course, to ensure that those things don't happen, although we recognize that from time to time—I'm sure, had that been a private sector lab, it would have been fine with the member for Etobicoke North. If it's public sector, it is evil.

I want to compliment the member for Trinity-Spadina on his speech because I think he put out there the concerns that many people have about this government handing the keys over once again to someone outside of government in a regulatory fashion. That would fit in with the new Red Tape Commission that's been re-established out there. Remember that Red Tape Commission that would spend its time weakening environmental regulations in this province, throwing some of them out? I can even remember one of the Red Tape Commissioners writing a letter to the Ministry of the Environment saying: "Don't proceed with this prosecution, because you know what's going to happen? We're going to weaken this regulation, we're going to get rid of that regulation, so you shouldn't bother prosecuting this particular company." That was the attitude this government has towards the environment, and then we wonder why there are problems in the Ministry of the Environment. In fact, to characterize it correctly, the problems are within the government, not the Ministry of the Environment. The problems are that the government has underfunded the Ministry of the Environment by taking away over 40% of the budget, by taking a third of the staff away from the jurisdiction of the ministry, by taking away any muscle the ministry happened to have, and by making the ministry compliant to business as opposed to being tough and strong in its enforcement of laws in this province.

So I can understand the concern that the member for Trinity-Spadina has when he sees this government moving in that direction once again.

**Ms Marilyn Churley (Broadview-Greenwood):** I congratulate my colleague Rosario Marchese, from Trinity-Spadina, for his comments. I must admit, I was in the Legislative Assembly committee for part of it, but you were on TV.

**Mr Bradley:** How interesting was that?

**Ms Churley:** Very interesting. One of the questions I asked the Ombudsman was a question about accountability for the privatization of government services. Of course he's got a particular role and can't deal directly with some of the questions I asked today, but certainly in his report there was a comment on Highway 407 and the absence of accountability to the customers there. What I asked him about—I said, "At this very moment this technical standards bill is being debated, and if passed the way it is, it's going to be operating within a complete accountability vacuum." All of our safety laws have been transferred over to the private sector, most of the staff, if not all, from the Ministry of Consumer and Commercial Relations, who have the expertise, are over there, will be writing the regulations. There are a lot of problems with this bill, particularly around possible conflict of interest.

The board is mostly made up of industry reps. I made some amendments. I don't support the premise of privatizing those services anyway, but I made some amendments that would build in accountability so the Ombudsman, whom we just heard from, the auditor, the Information and Privacy Commissioner, all of those bodies, would at least be able to oversee this and we could feel that there was some accountability.

#### *Interjection.*

**Ms Churley:** I am talking about that act right now. I made the amendment and you guys wouldn't even support the amendment to improve the bill.

**Mr Maves:** I want to comment on the member for Trinity-Spadina's speech. He asked about accountability. I said previously that accountability is that they're legally bound to uphold the Safety and Consumer Statutes Administration Act. They're accountable to the minister through that act. They are also through legislative controls, corporate governance controls and operational oversight controls. Some of those operational oversight controls are that the ministry has daily contact with the TSSA through a dedicated five-person liaison unit whose function is government oversight.

1640

I notice the member opposite's not listening. He doesn't care about this.

He also talked about inspections. Inspections, as I previously said, and he wasn't here at the time I mentioned this, have increased under the current TSSA from 138,000 to 178,000.

Not only that, the member opposite complained about inspectors and their qualifications. He loves the public sector; he wants everything done by the public sector. The inspectors who were previously employed by the public sector were all hired by the TSSA, so to question their qualifications is to question the public servants he believes are the ones who should be doing the inspections. In effect, those people are all still doing those inspections. They were inspectors hired by the TSSA.

I don't know if he's heard any of this but I think it's all relevant. They directly answer his questions. The minister appoints 49% of the TSSA's board of directors. They have to approve any bylaws, and as I said, they have a five-person liaison unit that oversees and is responsible for government oversight.

The last thing I want to say to this member is that when he rants and raves about the wealthy in this province and wants to tear them down and drag them down and take their hard-earned income, I remember seeing him at the Shaw Festival at a luncheon before a play that he didn't pay to go to, sitting with a lot of these wealthy people. I waited for him to get up and yell and scream at them about making too much money and they shouldn't have tax breaks. He didn't.

**The Deputy Speaker:** The member's time has expired. The member for Trinity-Spadina has two minutes to respond.

**Mr Marchese:** I thank my friends and foes. I'm amazed that M. Maves would raise that kind of note. I

find it offensive. I was there as a cultural critic, obviously. I find the reaction and the laughter stupid to the utmost. I go to an invitation, a cultural event, and the guy says—I'm almost tempted to offend him—"I didn't see him scream against the wealthy." What a stupid, stupid comment. Anyway, back to the subject.

The Canadian Institute of Environmental Law and Policy makes these concerns, which I wanted to do publicly. They say that the Technical Standards and Safety Act is not accountable to the public, that the TSSA is not a democratically elected body, that the TSSA's directors are potentially in conflict of interest because many work in the very industries they are supposed to be overseeing for public safety, and that the government increasingly lacks the expertise or capacity to make sure the TSSA is adequately ensuring the public safety.

The government's most experienced and veteran staff now work for TSSA, which creates two dilemmas: (1) it gutted the ministry's level of expertise and knowledge of public safety regulation; (2) it begs the question what happens when this veteran public-spirited staff leave TSSA and are replaced by new, potentially inexperienced staff.

We need to bring government back. Get rid of this non-government government and bring government back so we can have the safety we deserve and the safety and accountability mechanisms we deserve as citizens of Ontario.

**The Deputy Speaker:** I just want to observe for those who are watching that this House almost looks like Friday afternoon in one of our kindergartens. I would ask the members that if you want to speak out, laugh or carry on conversations, you do it outside. Then I won't have any quarrel with you at all.

I also want to introduce to the members, in the west gallery, Doug Reyecraft, who used to be the representative for Middlesex in the 33rd and 34th Parliaments of this province. Welcome to you.

Further debate?

**Mr Cordiano:** I'm delighted to speak on this act, Bill 42, because it clearly is yet another glaring example of the approach this government has taken. It follows on the theme that has been established clearly by this government.

I guess it was the member for Etobicoke North, who talked earlier about the fact that on this side of the House we were for something other than good government. He pointed to those of us who would criticize the government for its glaring inadequacies, when it comes to protecting the public safety, of being for big government.

There is a great difference between being for big government and being for good government because that's what we want and that's what the citizens of this great province want. They want good government. They want government that cares. They want government that is going to take responsibility for what happens to its citizens. That is a departure from what we see when it comes to this government. This is no longer a government that wants to take responsibility for what happens to



its citizens. It is a glaring departure from the past and the traditions of this great province.

Previous Conservative governments are turning over in their graves at the sight of the kind of backing away from responsibility and accountability that this government is undergoing, that it is foisting upon the citizens of this province. When it comes to environmental protection, we have seen the tragic results. This is all part of a greater picture. There's no escaping that.

The Technical Standards and Safety Act is part and parcel of an overall vision for this province that assumes it is far better to have a very minimalist kind of government that does very little for its citizens, that even fails to protect the safety of citizens when it comes to the environment, when it comes to drinking water, when it comes to ensuring that standards are being met under this act. Of course, this act builds on the Safety and Consumer Statutes Administration Act of 1996 and is required to update it. We still don't agree with the direction this government has taken with respect to this because the standards are not being met.

We used to have the greatest standards being met and the greatest level of public service in the world implemented in this province of ours. We have deteriorated. We have deconstructed the public service, much to the point where we are seeing the tragic results of that. The consequences are unfolding before our eyes. Absolutely there is a direct connection between what this government is doing with its policies and the very dire results we're seeing in community after community. It is no accident.

I want to talk about the results of the inquest in the Jerome Charron case, which point to and underline the lack of standards and safety protection that are required. The inspector who examined the Rocket Launcher at the Central Canada Exhibition in Ottawa where the tragic death of Jerome Charron took place had this to say in the inquest:

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Mark Selway, who was the TSSA inspector who examined the ride, testified that he didn't completely understand the engineering principles involved and wasn't trained on that type of ride. Mr Selway was an elevator inspector. He indicated that he relied heavily on the technical dossier to determine the ride's safety. The technical dossier was missing documents, including the original conditions placed on the ride in 1995. He tried to contact a senior member of the TSSA, Gord Kanani, and he told Selway that the ride had met all operating conditions and he certified the ride. During the inspection, Selway indicated, he relied on McLardy's field test. Selway did not inspect extension straps that were not on hand for inspection. Selway did not inspect equipment boxes for other harnesses and straps. Selway did not confirm that the equipment was erected in accordance with the conditions of its licence and therefore did not fulfill his obligations to ensure that the equipment was being operated in accordance with the law.

What we have here is a clear indication that TSSA inspectors in the field are inadequately trained, by their

own admission during this inquest, and are not carrying out the responsibilities they have. These are the TSSA's inspectors; clearly a case that led to tragic results, a fatality. Finally, the rides operator was charged and found guilty under the Amusement Devices Act. I just want to make this other point:

Selway confirmed during his testimony that he "had no experience inspecting reverse bungee rides. He had only received the ride's technical dossier the night before he was scheduled to inspect it on the Ex's opening day."

What we have here demonstrates the following: poor training standards for inspectors; no guidelines for inspectors; no standards requiring that all rides be inspected prior to an exhibition; and sloppy professional practices on behalf of engineers certifying the safety of rides. There is clearly a lack of procedural efficacy, and that is of great concern.

What we have in the creation and the formation of these authorities, these outside agencies that are being mandated to enact this legislation and these regulations, is a lack of clear accountability to anyone. The member for Niagara Falls stood up and said, "But the ministry is in touch with the authority on a constant basis."

I repeat, we have a great deal of concern because with respect to an outside authority, there is no ministerial accountability. The authority is not subject to government audits. The auditor of Ontario cannot go through an inspection audit of this agency. It's not bound by the Freedom of Information and Protection of Privacy Act, although comments have been made that they have complied with some of the requirements of that. Furthermore, members of this Legislature have no way of summoning those who sit on this board before a committee of the Legislature to answer direct questions. That all adds up to tragic results.

Again, it's the style of operation of this government. They have made a decision to reduce government. They have made a decision to eliminate, to get rid of the public service, by and large, in carrying out responsibilities for inspections and to uphold standards. By doing so, they have exposed the public to undue risk. I believe that is a great tragedy in our province. At the end of the day it will be a legacy that is left behind by this government—tragic consequences—and I believe it is a great departure from the traditions of this province.

We have always upheld and maintained that public service should be of the highest standard, that we trust the public service to carry out its work, to ensure the public good and the public safety. That has always been a hallmark of Ontario's public service. We turn to the public service for that. When it comes to inspections and carrying out those kinds of assurances for the greater public, that indeed they are safe, that's where we draw the line and that's where I personally believe that it should remain in the domain of the public sector.

Governments should have a direct accountability to the public for those safety inspections, for ensuring the protection of the public when it comes to water, when it comes to amusement rides, when it comes to elevating

devices, when it comes to safety—public safety first—and that should remain within the public domain. That's where this government has erred, and erred badly. They have shirked their responsibility on behalf of the people of this province, and I believe that that will truly be a negative legacy for this government.

**The Deputy Speaker:** Comments and questions?

**Hon Margaret Marland (Minister without Portfolio (Children)):** I think one of the things that concerns me most about the debate during the past three weeks and question period and the questions isn't the fact that the opposition is fulfilling their mandate, which is to ask the government questions and make the government accountable; it's the fact that they are exercising an enormous amount of fearmongering. They are identifying and laying blame before the investigations and the coroner's inquest, the public inquiry, the internal review and the OPP investigation. The coroner's inquest and the police investigation and the public inquiry conducted by a justice of our Ontario Supreme Court have to stand without any bias or criticism from any of us in this place.

I can tell you in a very heartfelt way, having now been to Walkerton, that the people of Walkerton are wanting to get on with their lives. They want to hear the result of the investigations and the inquiries, and they don't want to hear any more fearmongering, because every time the opposition does this it labels their community, and they don't want that from the opposition and they do not want it from the media. They want to get on with their lives. I say respectfully to my opposition colleagues that I really think the time has come for them to recognize and respect the people of Walkerton in their wishes.

**Mr Bradley:** I can understand the reluctance of the member for Mississauga South to have these issues discussed in this Legislature, but the people of this province, I assure her, demand that members of this Legislature deal with an extremely important problem confronting the province, and that is the problem of the safety of drinking water. As always, whenever things go badly for the government, they want to say that the opposition shouldn't talk about the issue. But people who stop me in the street, people I run into, people I know in Walkerton, ask that we in this Legislature deal with those issues.

The Minister of the Environment has a role to deal in the way he deems appropriate; the opposition has a role to ensure that the government is undertaking the kind of action that is necessary to ensure that we do not have a repeat of that particular circumstance. That is what is happening in this House, and to suggest that's fearmongering is of course a tactic that a government very much on the defensive is going to use. I'm not saying this for the member from Mississauga—she's been an environment critic—but no doubt the people who pass out the talking points to the government members will tell them that they're supposed to say that the opposition is fearmongering. Most people I talk to in this province, unless they are absolutely dedicated to this government and feel this government can't do any wrong, want us to

deal with this important issue, want to ensure that we never see the kind of tragedy that happened, unfortunately, to the people of Walkerton happen again.

The coroner announced today that he's now investigating the deaths of up to 14, related to E coli being found in the water of Walkerton. I can't think of a member of this House who does not want to see this matter dealt with expeditiously and in such a manner as we do not see a repeat performance.

**Ms Shelley Martel (Nickel Belt):** I want to follow up on an important point made by the member for York South-Weston which had to do with accountability. I think that's really at the heart of the discussions that have been taking place on this bill, the Technical Standards and Safety Act, but also it's been at the heart of the discussions and debates that have gone on in this Legislature for the last number of weeks with respect to the very tragic incident at Walkerton, which none of us can get away from.

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The issue really is that this government got elected and came with a mandate essentially to get government out of people's faces, to get government out of people's lives. In doing that, there are some consequences, which tragically we are starting to see. When you get government out of people's lives and out of their faces, then you get some of the important protections, rules and responsibilities out of their lives too. One of those very clearly has to do with public safety and who is accountable for that. When the public raises concerns, who is accountable for that, and when the public needs something to be done, who then responds?

We see with this bill that the government clearly wants to push even more of the responsibilities that I think government should have on to a non-profit organization, but one that is essentially made up of a number of industry operators, people who have a direct, and I would argue very vested interest in some of the rules and regulations they're supposed to oversee, a very vested interest, frankly, with respect to what might be the ongoing cost of some of those rules and regulations. Every day they're going to be asked to balance cost against public safety and I'm not sure the government should put people in that position. I don't think they should. I don't think the public wants to be in that position.

Who is accountable? It should be the government. The government should not be offloading its responsibilities to this authority.

**Mr Marchese:** I want to support the member from York South-Weston with a few additional comments because we're speaking the same language here. We're very concerned about this body.

Marilyn Churley, our colleague, the New Democratic member from Broadview-Greenwood, made a number of amendments and they are the following:

"(1) Despite subsection 3(2) of the Safety and Consumer Statutes Administration Act, 1996, the Lieutenant Governor in council may not designate an administrative



authority as a designated administrative authority if a majority of its board of directors are representatives of the economic sectors comprising things governed by this act.

**"Revocation of designation**

**"(2)** The Lieutenant Governor in council shall revoke the designation of a designated administrative authority in accordance with section 6 of the Safety and Consumer Statutes Administration Act, 1996, if, at any time, a majority of its board of directors are representatives of the economic sectors comprising things governed by this Act.

**"Member appointed by minister**

**"(3)** The term of appointment of a member whom the minister appoints to the board of directors of the designated administrative authority under subsection 8(1) of the Safety and Consumer Statutes Administration Act, 1996, shall be fixed."

Another motion that the bill be amended as follows:

"Each designated administrative authority shall exercise its power and duties under this Act in such a manner as to protect the environment and the health and safety of the public."

These motions and others which my colleague will read out later have been rejected by the government. We need to have an accountability mechanism. We don't need industry people there who in a majority of cases might want to protect their own interest, as opposed to the public interest.

We need the government to get back and govern. We don't need a non-government any more. We want our government back.

**The Deputy Speaker:** Response?

**Mr Cordiano:** I want to thank the members for their comments. I would like to say this again: When it comes to the protection and safety of the citizens of this province, it is absolutely tantamount that the government make it a priority. There's no other way to say it. I believe this government has not made it a priority and has shirked its responsibilities. No member of this Legislature ought to question any other member of this Legislature for standing up and wanting to have a wholesome debate about what we believe to be of primary concern to every citizen of this province.

There is no doubt that if we failed, and I say this personally, if I failed to question what this government was doing with the safety and protection of the citizens of this province, then I should not be in this Legislature; I have no business being here, under no circumstances.

That is what we're discussing and debating today. This Technical Standards and Safety Act directly relates to that question: Does the government of Ontario have a primary responsibility for the protection and safety of its citizens? Is it carrying out that responsibility to its fullest? We believe it's not. To hand off that responsibility to an agency, an authority that has no accountability to this Legislature, no accountability to the public at large in any direct sense, is a direct violation of the primary responsibility of this government to ensure that the people of this province are protected, to ensure that

the children of this province are protected, when it comes to water or amusement rides or elevating devices or any other device that is a danger. This government has primary responsibility, and it should do so.

**The Deputy Speaker:** Further debate?

**Mr Howard Hampton (Kenora-Rainy River):** I was hoping that one of the Conservative members would rise to participate in the debate, but I understand that is not going to be the case any longer, so I will take this opportunity.

Let me say to all those people who may be watching that what we're debating here tonight is a very important issue for people across Ontario. Many of you, until a few weeks ago, probably assumed that your provincial government was out there doing the work every day to ensure the safety and quality of your drinking water. You have since discovered that is not true, and some people have discovered that truth tragically. Other communities across this province are receiving boil-water advisories on an almost daily basis. In my constituency of Kenora-Rainy River, six communities in the last three days have received boil-water directives from the medical officer of health because he can no longer certify that their drinking water is safe from environmental contaminants.

We're not, strictly speaking, debating the safety and quality of our drinking water here tonight. We're actually debating some similar issues, though, that can affect people's lives and their public safety just as dramatically. When most of us get on an elevator in a high-rise building—an office tower or an apartment—I bet most of us believe or think or would like to think that that elevator has been duly inspected by someone who works for the government, whose job it is to certify the safety of that elevator and the proper operation of that elevator. Most of us would like to believe that. Most of us would hope that that is in fact happening.

*Interjections.*

**Mr Hampton:** If members of the Conservative Party don't want to rise to take part in the debate, I can't help them. If they'd rather speak from their chairs, I can't help them there either. Speaker, I have to rely on you for that.

I'm here to tell people that that elevator inspection you believe is happening, that elevator inspection where somebody who is trained and certified and has no interest other than to ensure the proper and safe operation of that elevator, is not necessarily happening now.

Similarly, most of us go to a fall fair or we go on carnival rides. They can be Ferris wheel rides or roller coasters, all kinds of rides and activities like that. Most of us would like to believe that these kinds of things are being inspected by trained inspectors who know what they're looking at, who know what they're dealing with, who have experience and who have no interest other than to ensure the proper and safe operation of that ride so that no one is hurt, either riding in it or in the operation of it.

Most of us would like to believe that that kind of inspection is being done by government inspectors. Most of us would be surprised to learn that that is not necessarily so any more. I could go on. Propane tanks—

and people who live in northern Ontario especially know this—there are literally tens of thousands of cottages, cabins and camps where people utilize propane tanks and propane appliances for cooking, for refrigeration and for a number of other uses.

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Most of us would like to believe that there are proper inspections of those sorts of things and the person doing the inspection is trained and experienced and has no interest other than ensuring proper and safe operation. We would be surprised to learn that, under this government, that's not necessarily so any more. All of this comes under something that is called Bill 42, the Technical Standards and Safety Act. I need to tell you that this government has been taking these very important public safety inspection procedures and they've been parcelling them out to basically private non-governmental organizations, organizations that are not responsible to this Legislature; organizations that, in many cases, we believe are in a conflict of interest because the people who are on the board of directors of these organizations represent the companies that may be selling the elevator or may be manufacturing the ride or may be manufacturing the propane appliance. In other words, they don't have just the interest of public safety at heart, they've got a profit motive, a profit motive to sell the ride, sell the elevator, do minimum maintenance on the elevator or to avoid a number of regulations perhaps in the operation and the workings of propane appliances.

You don't have to take my word for it on this. In fact, a very important organization, which is called the Canadian Institute for Environmental Law and Policy, actually went out there and did a study of what's going on in this field. So I, as a New Democrat, am not alone here in raising the alarm bell. This is a very respected organization, the Canadian Institute for Environmental Law and Policy. It has a number of academic experts, a number of engineering experts, a number of legal experts who work within or for the institute.

I want to tell you the issues they raised, and you can decide for yourself how important these issues are. The Canadian Institute for Environmental Law and Policy looked at the organizations and the organizational chart the government is setting up. They looked at those that are charged with the administration of public safety issues outlined in Bill 42. In 1996 this government, the Harris government, delegated responsibility of seven safety-related statutes to the Ontario Technical Standards and Safety Authority, which, as I said, is a private corporation. In the next two years this government would continue to devolve various public safety responsibilities on to the Technical Standards and Safety Authority. The Technical Standards and Safety Authority's responsibilities include inspection, approval and law enforcement of things like amusement rides, elevators, propane tanks etc.

What the Canadian Institute for Environmental Law and Policy found in its study of this organization is alarming. The study identifies a number of weaknesses

and problems in terms of public safety in what this government is doing through the Technical Standards and Safety Authority. The study shows that this government failed to provide the Technical Standards and Safety Authority with clear policy direction from the outset. Does this remind you of Walkerton, where the government sold off the public labs for the testing of water and then didn't create any sort of model or any sort of requirements for the private labs, who they were supposed to report to, what they were supposed to report, when they were supposed to report? I'll tell you, the similarities are incredible. If we look at what happened in Walkerton, people ought to be alarmed by what potentially could happen here. It's the same sort of regulatory framework with no framework to it—a free-for-all.

They found the government failed to provide the Technical Standards and Safety Authority with clear policy direction from the outset, and that in the absence of policy, this private corporation has been left to define its own course, just as those private labs that were supposed to be testing the water of Walkerton and reporting on it found their own course. What the Canadian Institute for Environmental Law and Policy found is that there are significant gaps in what the Technical Standards and Safety Authority is doing.

For instance—I'll call it now the TSSA—the TSSA is now responsible for public safety for things like underground storage tanks for gasoline at the corner service station. These are things that could have a tremendous impact on the environment, on your drinking water, for example, if there were a leak. Yet there are no references to the protection of the environment within the mix of regulatory and promotional roles outlined by this authority. Can you imagine that? Gasoline could explode, could leach out of the tank, get into your drinking water, and in the private body that this government set up, there is no mention whatsoever of protection of the environment. Does that sound a bit like Walkerton to you again?

In the study, the Canadian Institute for Environmental Law and Policy shows how the activities of the TSSA go beyond the administrative mandate initially described by this government. This government initially said: "Don't worry, they're just going to administer. That's all they're going to do. We're going to make the rules, we're going to set the policy in government. These folks, this private corporation, will only administer them." But the study by CIELAP shows, oh no, it goes far beyond that. It shows that even if the government wanted to give direction to the TSSA to ensure public safety, this government has given up much of the capacity to do so. In a nutshell, the Harris government has transferred almost all of its policy and technical expertise in handling public safety regulation to this private body. So our safety now is in the hands of a private corporation over which the government has no authority. That's where we're at. If this sounds more and more like what happened at Walkerton, I would say to you this is not an accident.

The study looks at the TSSA structure and comes up with another worrisome conclusion. The directors of



this private corporation are in a potential conflict of interest between their roles as representatives of particular sectors or particular companies and their obligations for public safety as TSSA directors. In some situations, directors might find themselves torn between the public safety responsibility they hold to the TSSA and the economic or profit responsibility they owe to their employer or the company they come from. You could just imagine the dilemma. Here's somebody who works on the TSSA and they're sitting there saying, "Do I enforce tougher safety regulations or do I just keep quiet because tougher regulations will cost my company money and would affect the profit level?" Can you imagine? They're going to be put in the position of deciding on your public safety or your child's public safety or deciding on their corporation's profit level. I don't think that's a very good mechanism for the protection of your public safety or my public safety, not in elevators, not in carnival or fall fair rides, not in propane tanks and not in gasoline tanks.

There are reasons why government should play a strong role in defining and administering public safety policies, and I've listed some of them. Governments should be acting as independent bodies looking out for the interests of the public, especially when it comes to important issues of public safety. When you hand off these responsibilities to private corporations, the line between public safety and private profit can get blurred very quickly.

Now, our friends in the government will be quick to assure us that the TSSA is accountable to the minister for its performance. That's sort of like the Ontario Realty Corp. The government says: "Don't worry. The Ontario Realty Corp is responsible to the minister for Management Board." Why do we see all the corruption, why do we see the taxpayers of Ontario being ripped off time and time again, if there's responsible control here by the minister?

1720

The government would tell you that the Minister of the Environment has some control over the private laboratories out there that were supposed to be testing the water of Walkerton. If he had some control, there are a lot of very sick people in Walkerton who are wondering why that control wasn't exercised and, unfortunately, there are a number of dead people in Walkerton. I suggest to you that, given the free-for-all that this government created, the minister didn't have much control at all. That's why he's now, on an urgent basis, trying to change the regulations to give some semblance of having control.

I have just a few minutes left, so I want to get on to some of the other points.

A study by the Canadian Institute for Environmental Law and Policy raises even more important issues. What the study points out is that this private corporation, which will be torn between ensuring the elevators in the building are safe, ensuring the bungee ride is safe, ensuring the propane tanks are safe, ensuring the gasoline tanks

buried underground are safe and are environmentally proper, this private corporation that's going to be torn between profit motive and protecting public safety—get this—under the hodgepodge, the free-for-all that this government has set up, wouldn't be subject to the Audit Act—in other words, the Provincial Auditor wouldn't be able to go in and look at them and hold them accountable; the Ombudsman Act—the Ombudsman wouldn't be able to go in and look at them and hold them accountable; the Freedom of Information and Protection of Privacy Act—in other words, the information commissioner wouldn't be able to require them to produce information so that we in the Legislature or you as members of the public would be able to be informed about their activities and whether or not they're doing their activities well or badly. They're exempt from that.

They're exempt from the Lobbyists Registration Act. Some high-priced lobbyist who works for a private company that is only concerned with profit, not public safety, could in fact be lobbying the members of this authority all the time without having to face the light of public scrutiny.

Then, finally, the Environmental Bill of Rights is your protection. It says that where somebody is going to do something which may dramatically affect the environment, they have to post a notice of it. At least there's a notice that people can be aware of.

I want to repeat those again. This government has given away this authority over public safety and they have exempted it from: the Audit Act, the Ombudsman Act, the Freedom of Information and Protection of Privacy Act, the Lobbyists Registration Act and the Environmental Bill of Rights.

Who's left to protect you? Who's left to hold these people accountable? I suppose the Harris government might hold them accountable. I don't think so. The Harris government will be out there talking to those private corporations, trying to raise political contributions at election time. That's what the Harris government will be doing.

Public safety, the safety of children who ride on carnival rides, the safety of people who go up and down in elevators, the safety of people who rely upon propane appliances and propane tanks and hope that they're inspected and that they're safety-assured, the safety of all of those people is literally being thrown at risk by this government. But don't worry, the government's going to give you a tax cut. They'll send you a \$200 cheque in the mail and they'll say, "Despite all of these public safety risks, despite all that's being put at risk, you should feel good."

Let me ask you, how far does the \$200 cheque that's in the mail go when it's your son or daughter who gets killed on a bungee ride because it wasn't properly inspected? How far does a \$200 cheque from Mike Harris and this government go when propane equipment blows up and disfigures someone or kills someone because it hasn't been properly inspected? How far does \$200 go when you find that underground gasoline tanks

haven't been properly inspected and they've leaked into the drinking water and hundreds of people are poisoned? Is the \$200 going to make us feel better? I don't think so. Most reasonable people in Ontario would say, "We don't think so."

I have only a few minutes left. This is what is at risk here. You don't have to take my word for it. This study, which was produced by the Canadian Institute for Environmental Law and Policy, is publicly available. You don't have to take the word of the leader of the NDP; you don't have to take the word of members of the New Democratic caucus; you don't have to take the word of anybody who's involved in public life. Get a copy of this yourself and read it. This is an organization that has no particular bone to pick. They're out there trying to ensure public safety, environmental safety, and they look at what this government is doing. They look at the risk to public safety that this government is throwing out there and they are alarmed. I invite you to get a copy of this and read it for yourself.

We are going to debate this legislation as long as we can because we want to make more people aware that the kind of tragedy that happened at Walkerton can easily happen in other spheres of our life these days under this government, because this government doesn't seem to give a care about public safety. They're prepared to hand all of these important public safety issues over to a private company that is already in a conflict of interest. People need to be aware.

**The Deputy Speaker:** The member's time has expired.

Comments and questions?

**Mr Maves:** It's a pleasure to rise to respond to the member opposite. I wasn't here for his entire input in the debate but I did watch some on the TV in the government office, and one of the things that I heard him talk about was that the TSSA is not covered by the freedom of information act, the Provincial Auditor and a few others.

Earlier in the day I did explain to this House that indeed there are protocols that have already been developed. The Provincial Auditor, in his 1999 report, acknowledged there are protocols that allow for a wide-open look at the TSSA's books. The Provincial Auditor seemed satisfied, in his 1999 report, with the protocols that have been established, and that's part of the accountability, the governing structures that have been arranged with the TSSA and the Ministry of Consumer and Commercial Relations. So that is taken care of. Similarly with the freedom of information act, the same types of protocols have been entered into in the agreement between the TSSA and the Ministry of Consumer and Commercial Relations.

I wanted to just relay those pieces of information to the member opposite. Hopefully he will rest assured that those protocols have been entered into. I believe, with some of the other organizations that would oversee most of the government organizations that he mentioned in his speech, there are similar protocols that have already been

entered into under the agreement with the Ministry of Consumer and Commercial Relations.

**Mr Bradley:** I think what we're hearing consistently this afternoon—at least on this side of the House, and this is the side of the House we're hearing from this afternoon—is that there's a great apprehension about turning over responsibility for protecting the health and safety of people in Ontario to more private-sector, arm's-length organizations. Whether you're riding an elevator, or you're riding perhaps a roller coaster at an amusement park, there's great concern that there's been a proper inspection, that the paperwork has been done appropriately, that the people who are operating these amusement devices are in fact competent, properly certified people, so that we reduce the risk to the population.

The analogy has been made consistently to what happened in the Ministry of the Environment when we turned over to the private sector full responsibility—all responsibility—for the laboratory testing; that is, people sent their samples in to a laboratory of the provincial government in years gone by, it was analyzed and sent back. The loss of that, the movement out of the field of the environment by the Ministry of the Environment, the downloading to municipalities of many of the responsibilities formerly carried out by environmental officers and the abandonment, this year and particularly next year, of municipalities in terms of funding, all raise a concern out there. So when we see a piece of legislation of this kind, for which the government wouldn't accept all of the amendments suggested by the opposition, then we justifiably move with caution and oppose a bill of this kind.

1730

**Mr Marchese:** I congratulate our leader, obviously, on his most emphatic opposition to this bill. I remind the citizens of Ontario that this is the non-government government. These are the Tories who came and said: "We're going to fix things. We're not a real government." They used to say, "We want to get government off your back." They still do. Aren't you worried, citizens, about what has happened to Walkerton when governments get off your back and when governments decide they are no longer the government, they are the non-government government? Aren't you concerned, taxpayers of Ontario? I would be. I am, because the tragedy is but one single instance that is observable, felt; and many indeed have suffered and died as a result of this non-government government's approach to things.

The whole idea of moving from regulation by public servants to industry self-regulation ought to be troublesome to you, because it is to me. You ought to be worried about that because it worries me as a citizen, not just as an opposition politician.

Our leader made reference, as I did, to the Canadian Institute for Environmental Law and Policy. In our view, this is an objective body that has the interests of the public and public safety at heart. We made reference to this report because, if you sometimes do not trust the politicians, we have to make reference to other organ-



izations that speak to government's proposals and government's bills so that, if you cannot trust us, hopefully you will trust them.

We want government back. We want a government that's accountable, that has built-in accountability mechanisms. That's what you should demand of these politicians. We don't have that now.

**Mr Gill:** It is indeed a pleasure to take part in this debate. I am sure people at home who are watching this debate today, especially when they are listening to the members of the third party, might be thinking: "The sky is falling. Everything is wrong." The members of the third party are making it sound as if throwing money and creating big government are going to solve all your problems. They tried that. When there was a recession, when there was \$11 billion of deficit, they were going to spend their way out of the recession. The people of Ontario understand that does not work. They tried that.

They are implying that the same people, the same inspectors, if they are working with a government body, are better, but if they are working in a private lab are not good enough. That is not the case. Many of the governing bodies, especially when you make them so-called privatized or self-governing—and I'll mention some of them: TICO, a travel industry association, and CPSO, College of Physicians and Surgeons of Ontario—are created to look after public safety. They want to ensure that their members give the quality service that Ontarians so richly deserve.

I was very happy the other day and I'm going to put it in a personal context. I went to get my propane tank filled up. The leader of the third party talked about propane tanks. They refused to fill it. I was quite astonished. Why would they not fill it? Because it was past the 10-year life of the tank. I was very happy that they are the body watching and making sure that all the standards are met.

**The Deputy Speaker:** The member for Kenora-Rainy River has two minutes to respond.

**Mr Hampton:** I want to respond to some of the members opposite. One of the members pointed out that this will all be done by protocols. Both the privacy commissioner and the Ombudsman have looked at the protocols, and this is what they say: The provisions don't provide the same legal protections as those provided through the legislation that would normally apply to a provincial agency. In other words, it's not up to the standards. It doesn't measure up. In this vital area of public safety, this government is willing to backslide, and oh how we've seen that they backslide.

So we've got a private organization with lots of power, in potential conflict of interest, no clear directives from the government, no strong support or guidance from government, no legal obligations to provide the same kind of privacy, complaints or services that a government body is supposed to provide. This government says, in the field of public safety, "That's good enough." That's exactly what they were saying in Walkerton: "This is good enough." It's not good enough.

I invite people to call for this report from the Canadian Institute of Environmental Law and Policy. There's an interesting story in it about how some of the elevator inspectors, when they reported faulty elevators, were told by the executives at the TSSA: "Oh, don't say anything; just keep it quiet. It doesn't matter that there are some faults with this elevator; just keep it quiet. Nothing will happen."

These are other tragic accidents waiting to happen and this government is prepared to endorse that.

**The Deputy Speaker:** Further debate?

**Mr Gerry Phillips (Scarborough-Agincourt):** I'm pleased to continue the debate on Bill 42. To remind the public, this is a bill that at its core provides this agency with the primary responsibility for enforcing some very important acts that used to be independent acts: the Amusement Devices Act, and all of us have been to an amusement park or a fair and most of us are aware of some accidents that have happened, so that's an important one; the Boilers and Pressure Vessels Act; the Elevating Devices Act, which clearly is crucial to us; the Energy Act; the Gasoline Handling Act; the Operating Engineers Act and another act.

It establishes this authority for, as the previous speaker indicated, the Technical Standards and Safety Authority, the TSSA. I'll use that acronym as we go along in the debate.

The concern in our caucus is the lesson that I think many of us have learned from what's happened with water in Ontario. It is an enormous caution for us of what can happen when governments choose to delegate to a private organization some of their very prime responsibilities. There are clearly many things the private sector can do and do well. Most of us here probably came from the private sector and we understand that. But there are also some things that are so fundamental to the public that we must, when we are considering delegating it to the private sector, give it very serious consideration.

I go back through the lessons that we are beginning to learn on Walkerton. I carry around with me a document called Here's Where You Should Be Doing Business. It's an Ontario government document that's used to explain to businesses why they should locate in Ontario. Interestingly enough, the third page in it says, "Ontario means beautiful, sparkling, shining water." It is ironic in the extreme—I'm slightly off topic, Mr Speaker—that the very definition of Ontario is the thing that right now we are seeing most at risk, and that is our beautiful, sparkling, shining water.

**1740**

But later in the document, the government says approvals on the Environmental Protection Act, the Water Resources Act and the Environmental Assessment Act have been "simplified." That obviously means made easier, that much of the regulations have been removed.

There's something we have around here called the Red Tape Commission. To me, that was an early signal where the government said to businesses, "Come on and locate in Ontario because we have made it easier to deal with us

in the areas of the Environmental Protection Act, Water Resources Act and Environmental Assessment Act.”

In my opinion, when the facts come out about Walkerton, I have a feeling—and I’ll await the final conclusion of Justice O’Connor—that this getting rid of many of our protections may very well have contributed to the problems at Walkerton. The reason I raise it is because, as we move now to pass this bill, as Bill 42 moves through the Legislature, it is moving from the public domain to the private domain many of the responsibilities for ensuring that these acts are carried out, not unlike what has been done in the environment, the water and the air, where we’ve transferred responsibility from the Ministry of the Environment to the private sector.

I would like to remind us that we’ve been warned here. We have two independent organizations—actually, we have more than two. We have three independent organizations, all three of which have very recently warned us about some of the problems with this. In 1996, one of the major recommendations of the Provincial Auditor—and this will, I think, become an integral part of Justice O’Connor’s investigation—was protecting water. He talks in this document about 31% of our wells exceeding the maximum acceptable level. This is ironic. He talks about what this causes: intestinal illness characterized by—and he goes on. He says that this is, according to the Ministry of Health, one of the most frequently diagnosed diseases in the province. The Provincial Auditor said to the government of Ontario of the day, the Harris government, “What are you going to do about this?”

You have transferred responsibility for monitoring, for testing water quality to the private labs. There is a serious problem here. Actually, one of my colleagues earlier today raised an issue where one of her constituents had her well water tested and there were serious problems with the water quality, but the lab, I gather, simply put it in the mail, sent a postcard to her rather than—in my opinion, I would have thought with any kind of quality of service, that lab should have been phoning her and saying: “Listen, we’ve done the testing. You’ve got a major problem here. You can’t be drinking that water.” It was seven days after the lab put that postcard in the mail that she got it and found she had a serious problem.

The auditor said, “We have a major problem,” and the government said: “We’re going to deal with it. We are working together, several ministries together, to develop a plan to deal with it.” The auditor accepted that at face value, but as a good auditor does, two years later the auditor revisited the issue to find out what the government was doing about the water problem that he had pointed out in 1996. Tragically, the auditor got exactly the same answer. As of June 1998, two years after this report, a water strategy plan had yet to be finalized.

I raise this in the context of Bill 42 because in some respects we are moving a major responsibility for monitoring public safety away from the public and into the private sector. What did our Environmental Commissioner—that’s the second body that looked at this very

issue—say? She, tragically but ironically, raised exactly the same issue as the Provincial Auditor, saying, “I’ve made recommendations and continue to make recommendations on this issue,” and in her 1998 report she’s saying to the ministries, particularly the Ministry of the Environment: “What are you doing about this? Where is this plan for dealing with these problems of water in the province of Ontario?” If it weren’t so serious, this would be amusing. But it’s so serious that it’s sad.

What our Environmental Commissioner got was four different answers from four different ministries because the government said, “We’re trying to pull together this plan.” From the Minister of Natural Resources there was one answer, from the Ministry of Agriculture another answer and from the Ministry of the Environment another answer. One said it’s too early to release it, another said that a draft document was soon going to be made public and another said the draft document is under review.

Warnings from our two major independent bodies about the quality of water, and the government’s response—and this is where I think the government will be found negligent and this is where the Premier, in my opinion, will be found negligent. It now appears that there was arguing and bickering, ministries arguing with each other about what should be done, and nobody seemed to have the clout or whatever was necessary to pull them together and say: “Listen. The auditor,” or the Environmental Commissioner “is telling us we’ve got a huge problem with water. We have to pull this thing together.”

The private labs that had done the testing apparently had no responsibility because they’re a private lab. Their only responsibility, I gather, was to report to the facility that sent them the water sample. They didn’t need to notify, I gather, the Ministry of the Environment, and I gather they didn’t need to notify the medical officer of health. Had this been under the old regime where the labs were publicly owned and run, that would have happened. The Ministry of the Environment, because they owned and ran the labs, would have known about it and the medical officer of health would have known about the problems at Walkerton.

But here we are today in a rather ironic situation. We’re moving to delegate to this private organization some of the key responsibilities for, as I say, some very sensitive areas: elevators, amusement parks, various energy devices.

There’s a trail that sounds familiar here: the government bragging that it has turned over to the private sector some of the responsibilities for the environment—it has cut out regulations that used to make it more difficult, perhaps, to operate but perhaps safer for the environment—and then we find the problems developing. It actually is a bit ironic. Again, my colleague spoke earlier today about what isn’t in here in terms of some of the freedom of information requirements and some of the opportunities for our Provincial Auditor to look at their books.



1750

The Ombudsman released his report today, and in a related issue this government—the day the provincial election was called a year ago, May 5, 1999, the 407 deal closed, and the buyer of the 407 in the biggest privatization deal in the history of North America brought a cheque over to Mike Harris for \$3.1 billion; \$1.6 billion went into the pre-election fund. The Ombudsman points out in the report released today, June 15, that it was unfortunate that neither the act nor the concession and ground lease agreement covered in its implementation contained accountability mechanisms for legislative compliance. It points out here that the Ombudsman recommended “lessons learned in this case be shared with other government agencies. This matter highlights the need in privatization initiatives for accountability mechanisms to ensure that the private sector partner acts fairly with the public.”

That’s today. I’m not sure those mechanisms are built into this bill. Certainly the need for freedom of information is not built into this bill. The public may say, “What does that matter?” Well, it is through what we call around here freedom of information that we are able to get, the public is able to get, the opposition is able to get, essential information about questions that we have that the government or the agency of the government is refusing to divulge. As I say, it’s ironic that this is raised as an issue today about this bill. It is also, I might say, something that the Ombudsman raised today and yet is not adequately, in my opinion, covered in the bill.

The government is moving to take away from public view many of the essential elements of public business. My colleague mentioned earlier the Ontario Realty Corp. There’s an example where, out of public view, the government is selling off, I gather, about \$5 billion worth of government land and buildings without, it appears, nearly appropriate public scrutiny. We have a major problem there. There’s a police investigation going on. There are almost daily reports of deals made by the Ontario Realty Corp that appear not to be in the public’s best interest. There’s an example where we have what’s called an independent board. The minister, ironically, goes to the board meetings but says he doesn’t know what’s happening there. He says the board makes these independent decisions and says that those decisions were made completely by this board. But it appears that this independent board has made—the best I can say is, questionable deals—bad deals for the public. But we are proceeding with this bill to once again further remove from public view some essential elements of public management.

I go back to the lessons that surely we now have learned as the result of Walkerton. There are some things

that are so fundamental to Ontarians that they deserve assurance that it’s going to be delivered. Clean, drinkable water is the ultimate.

It was very ironic last night. I happened to be honoured to be at a dinner at which Archbishop Desmond Tutu spoke. He was speaking about how in this world which now has governments in most of the industrial world with surpluses, surely we must have the resources to make certain that people don’t starve and that people are able to drink safe water. Of course he was initially referring to Third World countries, but it was ironic that Archbishop Tutu was here in Toronto talking about issues of safe drinking water that he’s trying to deal with in the Third World when that is a huge problem for us today.

My colleague Mr Kwinter raised the issue of how we are going to reassure the investment community that Ontario has its water supply under control. I think that is an issue, even if the government chose to get angry with the question. It’s a legitimate question with no answer that I heard today.

To summarize: Here we are dealing with a bill that is another removal from the public eye of some essential safety elements. It is part of a pattern. I understand the pattern. The Harris government is attempting, and moving very quickly, to move things out of public view and into the private sector. But with the backdrop of Walkerton, surely we must now learn some lessons. Ontarians deserve that their government, their Legislature, is going to maintain its control over some of the very essential elements in Ontario society, and one of them is public safety.

You can trace the Walkerton situation. First, the government bragged about how it used simplified environmental, water and whatnot regulations in Ontario to make it “easier” to do business in Ontario. Then the Provincial Auditor and the Environmental Commissioner, two independent organizations that looked at this, sent out some very strongly worded concerns to us. The ministry itself had a document indicating serious concerns. But the government went ahead anyway and essentially privatized the testing of drinking water.

Now, in my opinion, we have a serious problem and, unfortunately, I don’t think it’s limited to Walkerton. I think we have problems on a broader basis and yet I don’t think we’ve learned that lesson. Ironically, we’re about to pass in the next few days another bill that essentially moves the problem of Walkerton into some other areas.

**The Deputy Speaker:** It being 6 o’clock, this House stands adjourned until 1:30 of the clock on Monday next.

*The House adjourned at 1757.*

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		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Monday 19 June 2000

Lundi 19 juin 2000



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 19 June 2000

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 19 juin 2000

*The House met at 1330.*

*Prayers.*

## MEMBERS' STATEMENTS

### LANDSLIDE

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Today I rise before the Legislature to bring to the attention of the Minister of Natural Resources that due to heavy rainfall we have houses that have the potential of falling into the Castor River.

On June 1, I personally handed a copy of a letter from the South Nation Conservation Authority to the minister describing the Embrun situation in detail. Even though I have followed up on several occasions, the minister has not yet responded.

There is an elderly couple, Mr and Mrs Armand Bruyere, whose property is sliding, a portion of the municipality's property is going, and a section of the riverbank has disappeared into the river. The Bruyeres have even been asked to vacate their premises until adequate slope stability can be achieved.

The South Nation Conversation Authority is saying that due to the Mike Harris cuts, capital funding for exceptional situations such as this landslide is not available.

From June 1 to today, not a word has been received from the minister. I wonder if the Minister of Natural Resources understands the stress that this 78-year-old couple is going through at the present time. I hope the minister will soon give a favourable decision to the South Nation Conservation Authority request.

### SCARBOROUGH EAST 2000 FESTIVAL

**Mr Steve Gilchrist (Scarborough East):** Mr Speaker, as you know, my riding of Scarborough East is the most beautiful riding in the province. What with the Rouge Valley, which was recently doubled in size thanks to our government, a waterfront that has seen major improvements during the past four years, the historic Guild Inn, the many excellent schools, a world-class university campus, and a hospital that recently received an additional \$10 million to expand services, it's no wonder that Scarborough East is the envy of most if not all, of the members of this Legislature.

Last week the clouds and rain gave way and Scarborough East celebrated the millennium with the Scar-

borough East 2000 Festival. This exciting family event included a giant parade, fireworks, and entertainment for children and adults alike. Musical tributes to Shania Twain, Britney Spears, the Back Streets Boys and the Spice Girls filled the air, along with a midway and a crafters market. The dancing and fun went long into the night.

The Scarborough East 2000 Festival was designed to foster community pride and spirit, to celebrate our achievements as a community, and our diverse cultural heritages. I would like to thank the members of the Festival 2000 Organizing Committee, particularly Mr Dave Adamson, Mr Doug Puddester and Mr Anthony Da Silva, as well as hundreds of other volunteers who helped make this wonderful event a memorable and enriching experience. I would also like to recognize the many businesses that contributed both time and money to turn a great idea into a successful reality.

It was a job well done and the thousands of people who participated in this event were able to add one more reason to believe that the riding of Scarborough East is the best place in Ontario to live, work and raise a family.

### CHILD PSYCHIATRISTS

**Mr Richard Patten (Ottawa Centre):** I rise today to address the shortage of professionally trained child psychiatrists in our hospitals in Ottawa. This is an issue of great concern to my community and one that I know is being felt throughout the province.

As many of you know, approximately 15% to 25% of children and youth in our society have at least one mental disorder. As well, many of you will know that proper early diagnosis and treatment will greatly enhance the child's condition and help them to move on to a healthy, happy and productive life. But when these disorders are left untreated or ignored, as they are in about 80% of the cases of childhood clinical depression, then we have a problem, and the problems can linger for a lifetime, with many unnecessary recurrences.

I regret to inform the House that there is a shortage of trained psychiatrists for children in the Ottawa area as well. The confusion created by the ongoing hospital restructuring means that our kids who are suffering are being forced to wait a painfully long time just to get an assessment.

I am worried about this shortage, not just because of the pain it causes right now but because our city is becoming the fastest-growing city in the country and these numbers are going to become worse as the



population explodes. As well, the House should be aware that the Ministry of Health is currently negotiating to cut the number of beds for children and adolescent mental health in the Ottawa area. Morale is already very low among the psychiatrists who are left in the system. Many have left to set up private practice.

I want to take this opportunity to call upon the Minister of Health and the ministry to work with the people in Ottawa to find a solution to this situation for the sake of the health of our children.

#### EDUCATION LEGISLATION

**Mr Rosario Marchese (Trinity-Spadina):** Mr Speaker, I think you know that tomorrow night we were going to debate Bill 74. But I think you also know that there's going to be, I suspect, a rather large demonstration of teachers outside. I suspect there will be more than 5,000. We couldn't have a useful debate tomorrow night given that we might have 5,000 or 6,000 or 7,000 or 8,000 teachers out there demonstrating at the same time as the debate was going to happen.

So what the Conservative government did today was to announce that Bill 74 will not be debated tomorrow but is going to be debated tonight so as to avoid a possible conflict, because as you know, there's only so much democracy that the Tories can tolerate. Isn't that right? Besides, they already had one day and a half of hearings and it should be enough for the teachers to have participated in those discussions. We wouldn't want more participation than we could handle, would we now?

These Tories continue to always amaze me. The debate on Bill 74 is tonight at a quarter to 7. It will not be tomorrow night, when, yes, many of you teachers would be able to participate. We're having it tonight, and I ask those of you who are interested in hearing the views of the minister, because I suspect she will speak, and of the Tories, to tune in at a quarter to 7. The opposition parties of course will be debating it. We want you to participate via television.

#### GUELPH AWARDS OF EXCELLENCE

**Mrs Brenda Elliott (Guelph-Wellington):** I recently attended the annual Guelph Awards of Excellence to honour businesses that have achieved the highest standards in the manufacturing, retail, service and public sectors.

In the category of tourism and marketing, awards were given by the Visitor and Convention Services to the Best Western Emerald Inn and the Willow Manor Bed and Breakfast. The Downtown Board of Management's promotions and The Ale Trail also won awards.

The chamber of commerce in the city honoured the environmentally sound initiatives of Owens Corning Canada Ltd and Blount Canada.

Kristy Dukelow of the Amberhill Collection was given the New Exporter award and young entrepreneur Kim Gadoury was recognized for her creative spirit and her business Seams Perfect. Best New Business was

given to Wendy Smith of Home-Based Secretarial Services. These three awards were presented for the first time by the Business Enterprise Centre.

KPMG joined the city and chamber in presenting the Guelph Quality awards to Mandel Scientific and Lodder Brothers Plumbing in the service sector category. For manufacturing, Concast Pipe and Smurfit-MBI were recognized. Duncan McPhee and Knar Jewellery won in the retail sector, and the public sector awards went to Homewood Addiction Services, the University of Guelph's lab services and the Guelph Fire Department. The Bookshelf Café, owned by Barb and Doug Minett, was voted best downtown business.

Guelph's fast-growing business community has been thriving in recent years, certainly assisted by the initiatives of this provincial government. It has done much to ensure that all of Ontario is open for business. As our economy continues to thrive, there will be even more reasons to celebrate the success stories of entrepreneurs such as those just honoured.

1340

#### SENIOR CITIZENS' MONTH

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** In the year that I've been the opposition critic for seniors, I've been waiting for this government to take some action on behalf of seniors. It has talked about elder abuse, it has talked about long-term-care beds, but I, like the seniors of Ontario, want to see some results.

Last winter, the government conducted a listening tour on retirement homes. I called and asked to be informed about the tour, only to be told two months later that the consultation was over. It happened by invitation only, behind closed doors, and now we understand that the public will not receive the report of this committee—a report paid for by taxpayers.

While the government has acknowledged the problem of crime against seniors, it has done little to address other very serious problems, like better access to health care, home care and safe, affordable housing.

A recent media report verifies that seniors in Ontario have benefited the least of all demographic groups from this government's tax cuts. Seniors built this province and we are reaping in large measure the fruits of their labours, yet over half of the seniors in Ontario, nearly 800,000, will not receive the budget's \$200 tax dividend.

June is Seniors' Month, and I implore the government to take action. Seniors deserve affordable housing, access to health care, home care and the supports they need to age in place.

**Mrs Tina R. Molinari (Thornhill):** June is Seniors' Month and I'm pleased to recognize a group of senior artists visiting us today, many of whom reside in my riding of Thornhill.

The Golden Age Academy was created by Joseph Carraro in 1997 to meet the needs of many retired workers from different backgrounds. When they were young they worked as cement finishers, bricklayers,

carpenters, on assembly lines or in business, but they dreamed about celebrating their senior years in the pursuit of art. They have become accomplished expressionists, sculptors and artisans. The group has grown to 55 members since its inception.

So far, the Golden Age Academy, under the presidency of Marino Toppan, has organized five exhibitions which have showcased the work of this very talented group of artists. In the future, the Golden Age Academy plans to offer courses to teach painting, sculpting, wood-working and other artistic activities free of cost to other seniors. They also hope to have a permanent exhibition in the future and are working on the development of an Internet site.

In an article published by *Correire Canadese*, Golden Age Academy president Marino Toppan spoke about the importance of the retirement years and the value of seniors staying active and creative.

I would like to congratulate Joseph Carraro and Marino Toppan and all the artists from the Golden Age Academy, many of whom are with us in the gallery today. Please join me in welcoming them to the Legislature.

#### CANCER TREATMENT

**Mr Rick Bartolucci (Sudbury):** This morning in the media studio, many people in Ontario found out about the blatant form of health care apartheid being practised in Ontario regarding cancer patients.

Today, we're privileged to have in the House the three participants of this news conference this morning, who are also the founding members of OSECC, which is Ontarians Seeking Equal Cancer Care.

Gerry Loughheed Jr., former vice-chair of Cancer Care Ontario, Janice Skinner, a cancer patient from the Sudbury region, and René Boucher, the husband of a cancer patient, all explained their concerns about the present form of health care apartheid.

I know that the majority of people in Ontario agree with the executive members of OSECC. In a newly commissioned provincial poll, it was found that 92% of respondents support the cause for equal travel funding; that is, 92% of the people believe it is important that everyone in Ontario be treated equally. As Gerry Loughheed Jr has stated repeatedly, tumours are not interested in lists. A cancer patient who travels for cancer treatment is a cancer patient who travels for cancer treatment and we must all be treated equally. That's what OSECC wants and that's what the Liberals want.

#### MUNICIPAL RESTRUCTURING

**Mr John O'Toole (Durham):** I'd like to address the issue of municipal amalgamation. This is not, of course, a new concept in Ontario. Just recently in my riding of Durham, the municipality of Clarington, formerly the township of Newcastle, celebrated its 25th anniversary as one local government for the new town that was formed from the villages of Bowmanville, Courtice, Newcastle,

Newtonville, Orono, Hayden and Tyrone, just to name a few. Currently, our government is overseeing restructuring again in the amalgamation of four regional municipalities in the province. The people of Ontario have worked hard and they deserve, above all things, lower taxes, better service, less bureaucracy and of course more accountability.

The debate is clearly over. Tax cuts do create jobs, and our government is not alone in this view. Others, such as the Canadian Federation of Independent Business, clearly understand this way of thinking. I refer you to a 1998 letter from a small business organization to the mayor of Flamborough which stresses the impact municipal taxes can have. In the letter, the CFIB made note of how small businesses were treated in his municipality. This is a quote: "Almost a year ago, CFIB members in the Wentworth region rated your local government very poorly in its relationship with small business."

The mayor in question is none other than Mr Ted McMeekin. It is the same person that the Liberal opposition's Dalton McGuinty has chosen to be his candidate in the riding in the upcoming provincial election. The Liberal track record is clear. Tax cuts do create jobs. The Liberals don't get it.

#### REPORTS, OFFICE OF THE INTEGRITY COMMISSIONER

**The Speaker (Hon Gary Carr):** I beg to inform the House that today I've laid upon the table the annual report of the Office of the Integrity Commissioner for the period from April 1, 1999, to March 31, 2000.

I further beg to inform the House that today I've laid upon the table the first annual report of the Integrity Commissioner with respect to the administration of the Lobbyists Registration Act for the 14-month period of January 15, 1999, to March 31, 2000.

#### REPORT, SPEAKER'S COMMISSION ON MEMBERS' COMPENSATION

**The Speaker (Hon Gary Carr):** I further beg to inform the House that I have today laid upon the table a report of the Speaker's Commission on Members' Compensation.

#### INTRODUCTION OF BILLS

#### GENOCIDE MEMORIAL WEEK ACT, 2000

#### LOI DE 2000 SUR LA SEMAINE COMMÉMORATIVE DES GÉNOCIDES

Mr Wood moved first reading of the following bill:

Bill 97, An Act to proclaim Genocide Memorial Week in Ontario / Projet de loi 97, Loi proclamant la Semaine commémorative des génocides en Ontario.



**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

**Mr Bob Wood (London West):** This bill proposes to observe an annual Genocide Memorial Week in Ontario beginning in late March. The response to Bill 38 indicated a consensus and support of the observance of such a week, but that there was no consensus around the timing proposed in that bill. If there appears to be widespread support for the late March timing, I will proceed with this very important bill.

#### VISITORS

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I have a point of order. I am introducing a resolution to declare Simcoe Day in the province of Ontario. I wish to draw to the members' attention that Lieutenant Governor Colonel John Graves Simcoe is in the members' gallery.

*Applause.*

#### MOTIONS

#### HOUSE SITTINGS

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** I move that pursuant to standing order 9(c)(ii), the House shall meet from 6:45 pm to midnight on Monday, June 19, 2000, for the purpose of considering government business.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

1350

#### JACK STOKES

**Mr Howard Hampton (Kenora-Rainy River):** On a point of order, Mr Speaker: I seek unanimous consent to pay tribute to a former member of this Legislature, Jack Stokes, who passed away earlier this year.

**The Speaker (Hon Gary Carr):** Agreed? Agreed.

**Mr Hampton:** Jack Stokes passed away earlier this year. I know you, as Speaker, attempted to attend his funeral. On that occasion, you learned some of the interesting issues of travelling in northern Ontario. I gather your plane made it to Thunder Bay and then had to turn around because it couldn't land.

Jack Stokes is someone who, in the 17 years he was in this Legislature, could tell us all a few things about travelling in our province. He was elected in 1968 to the constituency of what was then called Thunder Bay. Many of us probably wouldn't have a picture of how large that constituency was. It was the largest constituency in the province. It took in communities that were on the outskirts of the city we now call Thunder Bay. It went north all the way to Hudson Bay and took in a number of First

Nations communities that you can only get to if you fly. In those days, those communities did not have an airport. You flew by bush plane and hoped the weather was good when you wanted to leave so that you could get out again.

A number of other communities that he represented had no highway and no landing strip. You got to them by either taking the CN line or the CP line and getting off the train and visiting the community and then hoping the train would stop for you the next day or the day after when you tried to move on to visit another community.

He, himself, was at first a railway conductor. He worked for Canadian Pacific Railway. That's how he got to know, initially, many of the people in the communities that were later on to become his riding. As a Canadian Pacific Railway conductor, he got to know communities like Marathon or Terrace Bay or Schreiber, or he got into communities like Longlac. He stopped as well in many of the smaller communities along the way.

When he was first elected here, he took great pleasure—and in those days it was the Conservative government, first under Premier Robarts and then under Premier Davis—in taking members of the government into the far reaches of his riding and giving them a geography lesson. He thought it was important that every member of the Legislature understand how large this province is and how diverse it is.

He worked especially hard for First Nations. He was one of the first members of this Legislature to, on an almost daily basis, bring issues regarding First Nations into this Legislature. Many members at first reacted by saying: "Oh, these are really federal matters. Why are you bringing them here?" But he brought it home to people that we are all citizens of this province—native and non-native—and that it simply won't do to classify some issues as, "These are in the federal jurisdiction and we have no responsibility."

He was also someone who understood the long-term issues and the long-term challenges of having a province that is for the most part forested, and forested on crown land. He regularly raised the issues of forest ecology and forest environment. He regularly raised the issue that as a province during the 1950s, the 1960s and the 1970s we were very good at harvesting our forests; we were abysmal in terms of the regeneration or the renewal of our forests. He often raised the issue that if we were going to harvest our forests, we had to set aside money to ensure that there was funding to renew the forests.

I was very pleased, in 1993 and 1994, to introduce legislation to create the forest renewal trust fund and the forestry futures trust fund, but the credit for those really ought to have gone to Jack Stokes, because he was the originator of those ideas.

After he had served in the Legislature for some time, the members of this House thought enough of him that he became the Speaker. He was not a member of the government party; he was a member, at the time, of the third party. The members of the Legislature recognized him as

Speaker, and he was Speaker in this Legislature from 1977 to 1981.

Anyone who was here then will tell you he was a very tough Speaker. I recommend, Speaker, that you read some of his decisions. He was noted for kicking members of his own party out of the House. In fact, he was noted for being harder on members of his own party than of either of the other two parties. Again, Speaker, I recommend that you read some of his decisions.

After serving in the Legislature for 17 years, he decided he wanted to step down. One of the reasons he wanted to step down was because his wife, Helen, who had always been challenged with some physical disabilities, was having a more and more difficult time with her health. So he retired from the Legislature in 1985 and spent a great deal of his time after that with his wife.

But he didn't withdraw from the public scene altogether, and some of the people who will miss him most will be from institutions like Lakehead University and Confederation College, because he continued to be active in the causes of those institutions until just before his passing. He also became one of the people who looked after the forestry futures fund and how the fund was being used to regenerate forests that had been decimated by forest fires, pests, disease or other natural disasters such as blowdown. He took particular pleasure in travelling into the far reaches of the province, where a forest fire may have devastated thousands of hectares of land, and being on the ground and part of the team that would prescribe how that forest would be brought back to life.

I attended Jack's funeral, and there were many people of public life who attended his funeral. Most important, virtually the whole community of Schreiber turned out for his funeral and came to the Legion Hall afterwards to pay their continuing respects.

Jack Stokes was an incredible person. He went from being a conductor on the railway, to being a very honoured member of this Legislature, to being a Speaker of this Legislature, to being a true spokesman for aboriginal people and for people across northern Ontario.

We will all miss him, and I know that most of all his family will miss him. I want to say that Ontario was very fortunate to have someone of the dedication, the stature and the longevity of Jack Stokes to serve the province and to serve this Legislature.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** I would like to associate my remarks with those of the leader of the third party in paying tribute to Jack Stokes and expressing our sympathy and concern for his family as well.

I had the pleasure of serving with Jack Stokes from 1977 to 1985. As was pointed out, Jack was appointed Speaker in 1977 by the then Premier, Bill Davis. Of course, procedures have changed now in the Legislative Assembly in that we elect our Speaker, but at that time the Premier of the day was the person who actually appointed the Speaker, so it was somewhat unusual to

appoint a member from the opposition. I want to remind members of the Legislative Assembly that this wasn't all done in perhaps kindness by Bill Davis, but it was a recognition that we had a minority Parliament at that particular point in time, and perhaps there was a little bit of strategy associated with it.

I want to say, as did the leader of the third party in his remarks, that Jack was as hard on the opposition as he was on the government of the day, on whose bench I sat, and that was sometimes felt by members of the government with a great deal of glee. We really enjoyed that part of it, I must say.

Jack was a man of not too many words when you talked to him about a particular issue. He was straightforward and to the point. But you always knew, in talking to other members of the Legislative Assembly, including ministers of the crown then, that Jack was really quite a unique problem-solver for the constituency that he represented. I believe he was probably an older-style politician, as I think politics has changed significantly since then. He spent a great deal of his time caring about his particular constituents and seeking solutions to individual and community problems of the area that he represented. He was extremely good at it. Because he did have a great deal of integrity and because he was a direct person, I believe the ministers of the day gave Jack Stokes a lot of width and breadth in terms of the arguments he put forward and worked together with Jack to make things better for the people he represented.

**1400**

As Speaker, he carried out the role in a very forceful way. He would often bring members to order very quickly, tell them to get to the point. He wouldn't allow members to rattle on and he would ask them to please come to the point very quickly. At that particular time, I can remember raising a point of order with him and he did bring me to order fairly quickly. If people want to look in Hansard in May 1979, they can find that particular exchange. But Jack knew the rules. He relied upon the clerks, as most Speakers do, but he did exhibit independence in giving his judgments and in being fair to members of the Legislature.

I have a great deal of respect, as do my colleagues in the Progressive Conservative Party, for Jack's integrity, for his tremendous work on behalf of the people he represented in the north and for, I think, being one of the most excellent Speakers we've ever had in this Legislative Assembly.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** On behalf of Dalton McGuinty and the Liberal caucus, I'm honoured today to join Mr Sterling and Mr Hampton in paying tribute to the memory of the late Jack Stokes and to expressing to his wife, Helen, and to his family our appreciation for the outstanding public service that Jack carried on, not just here in the Legislature but in his community life in Schreiber and northwestern Ontario.

Norm and Howard have said it very well. I'm just thinking about some of the things the government House



leader said. He was very apt and very appropriate. Jack Stokes was a conductor. Jack understood what all good railroad conductors understood: that if you're the conductor, you're in charge. When Jack ascended those steps 23 years ago to become Speaker for the 31st Legislative Assembly, he followed the sweetly tempered, sweetly voiced Russell Rowe from Cobourg—we've had members here from Northumberland who are sweetly voiced and sweetly tempered. Jack understood that his job was to be in charge. I don't want to embarrass the member for Nickel Belt, but I have to tell you, Norm Sterling was absolutely right: Jack Stokes was never more authoritative than when on a regular basis he called not just the member from North Renfrew to his place, but Mr Speaker Stokes seemed to have a particular ability to call Elie Martel to order. He did it regularly, and he did it with effect. Those exchanges tended to be good examples for the other truants in the place, and I would certainly include myself as foremost among that group of people.

But Jack was, as Mr Sterling has observed, one of the really great Speakers of this Legislature. In 1977, when Mr Stokes became the Speaker, he was the first non-government Speaker that we had had in almost 60 years. He played a significant role in changing the culture. Mr Sterling talked about his relationships with the table. It's hard to forget Mr Speaker Stokes's relationship with the renowned Clerk of the day, Mr Roderick Lewis. You had to have been here to have watched the chemistry between that chair and that chair. I think it worked out in the public interest, although it was not always easy.

I have to say to my colleagues that Mr Stokes became Speaker after he was whip, and he earned his spurs in the NDP whipping, if you can imagine, people like Morton Shulman. I say to the current whips, you've got a very soft and easy life, because this has become a place of toeing the line. I remember Jack telling me about the things he learned as whip, and he came to the speakership, as the government House leader said, in a minority environment when we were all learning the rules, trying to play the game in a very different context. You see, in a minority government everybody shares in the responsibility, I say to my friends, in the opposition as well as in the government. I remember that day, as I'm sure Mr Sterling does, in the spring of 1978 when we had all more or less decided we didn't want an election and we almost stumbled into an election that nobody wanted. The fact that we didn't get there was to some real degree to the credit of Mr Speaker Stokes.

Jack liked this place; he truly liked this place. He liked members of all sides. I remember that those were the years when Leo Bernier was king of the north. It was quite commonplace to see big Leo Bernier and little Pat Reid and Jack Stokes behind the chair having one of those northern ecumenical meetings to discuss some issue that was of particular interest to the north. Jack played, as Mr Hampton has rightly observed, an enormous part in bringing the issues of the north to this chamber. That Amethyst Room we've got downstairs is to some real degree the work of Jack Stokes. He re-

minded us on a daily basis, whether it was mining, transportation or certainly forestry, that the north had an extremely important role to play that was not always understood by those of us in southern Ontario.

I want to conclude these remarks by saying on this day of all days: Jack Stokes came here in 1967. He had a riding that was about 110,000 square miles. It went from the Lakehead to the Hudson Bay shore: Lavant Lake, Pickle Lake and scores of little places in between. Probably the biggest places were Schreiber, Terrace Bay and Manitouwadge. Back then, members were paid probably \$10,000 or \$12,000, there were no constituency offices and there were no funds for doing all the kinds of work we now take for granted at the local level. Can you imagine coming here in 1967 under those conditions to be the kind of member that Jack went on to be for 18 years in a riding of 105,000 or 110,000 square miles? If Jack Stokes did nothing else—and he did much else—he showed those of us who came behind him what true public and community service was, on the ground in a big riding. That's why, when it was all over, everybody—Liberal, Tory, Social Crediter, New Democrat, you name it—voted for Jack Stokes, and they should have, because Jack Stokes set a standard of public service that was absolutely outstanding and truly exemplary.

I want to say to Helen and to his family that we cherish his memory and we will never forget what he did for those people in northwestern Ontario and what he did for this chamber and this Legislature.

**The Speaker:** I thank all the members for their comments, and I will make sure copies are sent to the family.

#### VISITORS

**Ms Marilyn Churley (Broadview-Greenwood):** On a point of order, Mr Speaker: I'd like to tell the members that we have a formidable and tenacious defender of medicare in our midst today. I'd like to introduce Christine Burdett, chair of Friends of Medicare in Alberta. She will be speaking at a meeting on saving medicare at Eastminster church at 7:00 tonight, and all are welcome. Welcome, Christine.

**The Speaker (Hon Gary Carr):** I thank the member.

1410

#### ORAL QUESTIONS

#### WALKERTON TRAGEDY

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of the Environment. As many as 14 people may have died in Walkerton, and the medical officer of health, Dr McQuigge, believes that lives could have been saved if he had been notified earlier that *E. coli* had been found in the community's drinking water. Samples were taken on May 15, and Dr McQuigge wasn't able to issue a boil-water order until May 21, some six days later.

We have now learned that you received multiple warnings from the medical officers of health for Ontario telling you that by their being kept in the dark with respect to water test results, public health was being put at risk. Why did you ignore their warnings made directly to you?

**Hon Dan Newman (Minister of the Environment):** The events that happened in Walkerton are indeed a tragedy and something that I don't think anyone in this province ever wants to see again. That's why there are four investigations underway, including the public inquiry, the OPP investigation, the investigation through the Ministry of the Environment's enforcement and investigations branch as well as the coroner's inquest. These four investigations are going to get to the bottom of what happened in Walkerton so that we can ensure that something like this never happens again in our province.

**Mr McGuinty:** Minister, I have today in my hand a series of letters exchanged between your ministry and the Canadian Institute of Public Health Inspectors. They tell you on an ongoing basis that they are being kept out of the loop when it comes to water test results and that public health is consequently placed at risk. They told you as early as September 1999 and as recently as April 2000 that medical officers of health are not being notified when there is contaminated water.

Here is one quote from a letter dated April 4, 2000, directed to you: "As stated in my previous letter, local health units used to get a copy of every ... water sample that did not meet the provincial drinking water standards in their jurisdiction. This procedure was phased out a number of years ago, so the medical officer of health no longer is informed, via this route, of any water quality problems in his" or her "area."

Here is another warning in black and white, Minister, directed personally to you on April 4, 2000, letting you know there is a serious problem here, because our medical officers of health in Ontario are being kept out of the loop. As such they're not receiving information in a timely way, and as such they can't take the necessary steps to save lives and prevent people from being sick.

Why did you fail to protect people, and why did you ignore these warnings that came from our medical officers of health?

**Hon Mr Newman:** We have ordered that all relevant documents be provided to Justice O'Connor, the OPP, the coroner and the Ministry of the Environment's investigations branch. Consistent with existing government protocol, the assistant Deputy Attorney General is responsible for forwarding relevant materials to the appropriate authorities. We are fully co-operating with all these ongoing investigations into the tragedy at Walkerton, including the public inquiry. We would expect everyone to co-operate. We're also fully committed to responding to requests for information and will make public as much information as we appropriately can. But the bottom line is that we want to get to the bottom of it

so it never happens again. In conclusion, we all want answers to what happened.

**Mr McGuinty:** These are letters from the Canadian Institute of Public Health Inspectors. They wrote to you and to your predecessor saying we've got a big problem in Ontario when it comes to water safety because there is no requirement that they be provided with information showing positive test results. They weren't getting the information telling them that water was about to make people in a community sick, that that water might kill people in that community. You responded, or your predecessors responded, on a regular basis by telling them simply, "We've got what we need in place, so just shove off."

Here's a copy of a letter sent by Tony Clement, your predecessor, to Mr Harnett, chair of the Healthy Environments Ontario branch of the Canadian Institute of Public Health Inspectors. This is what he says:

"Dear Mr Hartnett:

"Thank you for your letter of September 8, 1999, requesting an amendment to the Ontario Water Resources Act [and] assurances from this ministry regarding the immediate reporting of adverse drinking water test results to the local medical officer of health."

He then goes on to say, for all intents and purposes, that the government already has guidelines in place and they're fine, so thank you very much.

Minister, once again we have a paper trail that leads to you and your predecessors. You were in fact put on notice, in this case by the Canadian Institute of Public Health Inspectors, telling you they needed information, they weren't getting it and they were afraid people were going to get sick and die. Why did you fail to heed, once again, warnings given to you by credible parties telling you that people were going to get sick or die if they didn't get information that they desperately wanted?

**Hon Mr Newman:** These are the very issues that the four investigations will look at, including the public inquiry, to get to the bottom of what happened in Walkerton. That's why there is an existing government protocol in place to share that information, and I know that this government will provide any information it has, because we want to get to the bottom of it.

I say to the leader of the official opposition that on May 29 I announced a proposed regulation that will be coming forward that deals with the notification process. It makes abundantly clear the responsibilities of private labs, of the Ministry of the Environment, of the medical officers of health and of the municipalities and public utilities commissions in this province to exchange information regarding adverse water tests.

**The Speaker (Hon Gary Carr):** New question.

**Mr McGuinty:** To the same minister: Let me get this straight. You now want us to laud you, to congratulate you for passing a regulation that might have saved lives at Walkerton, the kind of regulation that the Canadian Institute of Public Health Inspectors pleaded with you to pass six and eight and 10 months ago. Is that what you're asking us to do now? It's too late. You should have done



it back then. You should have listened to the warnings back then at that time and not now that we've got a body count as high as 14 in Ontario.

Let me tell you what else these public health inspectors said. They said that your guidelines were meaningless because no one was enforcing them. In February 2000, Ron Hartnett of the Canadian Institute of Public Health Inspectors writes to Mr Clement and he says the following:

"Dear Minister Clement:...

"You have outlined the actions an owner of a water system is supposed to take, but who is ensuring that the owner is actually doing this required work?... [If] no one is ensuring that the required actions are, in fact, being done, how would the medical officer of health know that there is a problem with a water supply system" in the first place?

Again, we have another paper trail leading directly to your office, a paper trail which shows beyond any reasonable doubt that you were negligent, that you ignored warnings from credible parties, people who were in the business of making us healthy, keeping us well, preventing us from getting sick and, above all, preventing us from getting so sick that we might die.

Minister, why did you ignore these letters and these warnings, and why today do you fail to do what is necessary to ensure we have no repetition of this disaster?

**Hon Mr Newman:** The protection of the environment and the protection of our drinking water is an issue that we take very seriously as a government. It's an issue that I take very seriously as Minister of the Environment. That's why there are the four investigations underway, and all relevant documents will be provided to Justice O'Connor, the OPP, the coroner and the Ministry of the Environment's investigative branch, so that we can get to the bottom of what happened in Walkerton.

There is a regulation coming forward that deals with notification, the exchange of information between the laboratories, the municipalities, the public utilities commissions, the Ministry of the Environment and the medical officer of health for the area. It's a very serious matter, and we want to ensure that something that happened in Walkerton never ever again happens in our province.

**Mr McGuinty:** We have a series of letters from the Canadian Institute of Public Health Inspectors telling you and your predecessors in black and white that they needed a change made. They needed something to be done by you to make sure that they got information in a timely way about contaminated drinking water. They were telling you that they couldn't get their job done, they couldn't fulfill their responsibilities unless you did something in the government. You people in the government had to do something so they would get the information they needed to save lives. You didn't do that.

1420

Now you tell us that you passed a regulation after seven died—maybe it's as high as 14. And last week, late on Friday, the Premier holds a press conference and he

tells us, not that he's hiring 100 inspectors or enforcement officers—he doesn't tell us anything of the sort—he tells us he's hiring a management consultant.

Minister, knowing what you now know, knowing what you've always known, will you today, setting aside negligence in the past, recognizing your responsibilities today, agree to hire 100 inspectors and enforcement officers so we can make sure this kind of tragedy doesn't happen again?

**Hon Mr Newman:** With respect to the beginning part of the Leader of the Opposition's question, I encourage him not to jump to conclusions, not to point fingers or assess blame, because the investigations are underway and I think the investigations ought to be given the time they need to do the work they are required to do.

Public health and safety and a clean environment are top priorities for the government. We should continue to strive to do better so that we can do more to protect the environment in the province. That's why Valerie Gibbons has been retained to lead a team that will provide counsel on standards and best practices to safeguard the public and environmental health and safety and to develop guidelines to ensure that best practices and standards are communicated and enforced in our province.

**Mr McGuinty:** Let's add it all together and maybe you can tell me what it adds up to. We've got the Provincial Auditor who warned you on two separate occasions through two separate reports about a pending disaster. We've got the Environmental Commissioner who provided the same kind of warning. We've got internal information from your own ministry providing us with the same kinds of warnings. We've got a letter now from the Canadian Institute of Public Health Inspectors, in fact several letters, telling us that trouble was about to happen because they weren't getting the information they needed. We find out that the mayor of Walkerton himself sent you a letter saying that they simply couldn't cope with their responsibilities. And what you and the Premier do last week is you hire a management consultant? We don't need management, we need leadership. We've got to get this government off their duff, recognize the mistakes they've made in the past and begin to take the kinds of steps in the future that will prevent another Walkerton from happening.

Minister, understanding all of that, having thrown it at you here today, will you now recognize that the only responsible thing, or at least one of the responsible things, to do is to hire 100 inspectors and enforcement officers so we can begin once and for all to do the work that your ministry should have been doing all along?

**Hon Mr Newman:** As we look to the future in environmental protection in our province, the work of Valerie Gibbons will ensure that we remain at the forefront of environmental health and safety standards for water, land and air in the province. Valerie Gibbons and her team will provide an objective view on environmental health and safety practices and she'll work closely with the deputy minister. The work she will do will in no

way hinder the four investigations that are underway. These investigations are going to look to the past to see what happened, ask the question why and also how we can ensure that it doesn't happen again. We all want answers to what happened in Walkerton and these investigations are going to provide those answers. But in the meantime we're doing everything that we humanly can to ensure that Ontarians have a safe and clean supply of water today and in the future.

### WATER QUALITY

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of the Environment and it's about the quality of our drinking water. Believe me, Minister, people are pleased that your Premier finally recognizes that you need help. But merely hiring a consultant, a babysitter, indicates that you don't recognize the magnitude of the drinking water problem you've created in this province nor do you recognize how far your government has fallen in terms of being able to do anything about it.

You've cut 900 staff from the Ministry of the Environment. You've reduced the number of water inspections by more than two thirds. When communities call your ministry because they've found E coli in the water, your ministry spokesmen say, "Sorry, we can't do anything about it; we don't have the resources."

The Premier said on Friday that you can hire more staff if you recommend it. Well, you've had some time now. How many staff are you going to recommend, who are you going to hire and when are they going to start?

**Hon Dan Newman (Minister of the Environment):** It's important to note, I say to the leader of the third party, when he was part of a government, they went outside of government to seek expert advice. They did it with Stephen Lewis on the race relations issue. You also went outside to John Sewell on planning issues. You looked outside of your government to try and make things better in the province.

By going outside and getting someone like Valerie Gibbons, who was a deputy minister for nine years in the Ontario civil service, someone who's now in private practice, who brings that expertise, I think we're going to be able to have some recommendations brought forward so that we can best position the Ministry of the Environment to protect the people of Ontario, to protect the environment of Ontario, to ensure that our water is safe, our land is safe and our air is safe.

**Mr Hampton:** The question was, when are you going to hire the staff and when are they going to start? I recognize that you personally need help. Everybody in Ontario recognizes that you personally need help. But the issue is the magnitude of the problem: Here in Toronto, 11 of 14 beaches are closed because of threats and worries about E coli contamination; my constituency, as far away from Toronto as you can get—hundreds of boil-water advisories, Minister.

The Association of Municipalities of Ontario has told you that in order to do the infrastructure work in terms of

the water plants and the sewer plants, \$9 billion is needed, but your so-called water fund is broke.

The Premier said you could hire staff to go out there and start addressing this pressing problem. The question is, Minister, when are you going to hire them, when are they going to go to work, and what are you waiting for?

**Hon Mr Newman:** There has been someone hired to make some recommendations as to how we can best position the Ministry of the Environment so that we have the best-positioned ministry for the 21st century so the people of Ontario have adequate protection—in fact, have the best protection possible—to ensure that the air, land and water in our province is indeed protected.

But I want to bring to everyone's attention a quote from Christina Blizzard's book *Right Turn*. She's talking about the New Democratic Party, and she says on page 160, "The party that made so much hay out of environmental issues ended up doing very little that was positive in the five years that they were in power."

**The Speaker (Hon Gary Carr):** Final supplementary?

**Ms Marilyn Churley (Broadview-Greenwood):** Minister, that was pathetic. Nobody is going to take you at all seriously if you try to compare your environmental record to the New Democratic Party record when we were in government. Don't be so ridiculous. We expanded spending, and you've cut it. The reality is, Minister, that you are not doing the inspections any more.

*Interjections.*

**The Speaker:** Government members, come to order, please. I need to hear the question.

**Ms Churley:** On May 29, the Premier told this House that cuts to the MOE had no impact in the delivery of service. But you know that isn't the case. We showed you documents that show that your own ADM told you the cutbacks would reduce service. You cut water plant inspections from 470 a year down to 152. Your staff is so overloaded you haven't been able to get out the 1998 report from the drinking water surveillance program. The regulation that you keep bragging about will not be worth the paper it's printed on unless you bring in the resources to make it happen.

Minister, when are you going to admit that your cuts could create another Walkerton, could cause more deaths? Will you tell us today that you will hire back, immediately, the staff you fired? A consultant, one consultant, to hold your hand is not going to do us any good. We need the staff and the resources brought back now, Minister.

1430

**Hon Mr Newman:** I find it interesting that the inspection numbers the member opposite uses happen to be for the year that there was the OPSEU strike.

I want to say to her that this is what Leah Casselman, president of the Ontario Public Service Employees Union, says: "I'm surprised they are hiring her because she's straight up. She doesn't play the political game." That's what Leah Casselman said.



I say to the member opposite that it wasn't this party's environmental policies that were rejected in 1995 or 1999; it was your party's.

### CANCER TREATMENT

**Ms Shelley Martel (Nickel Belt):** I have a question for the acting Premier. I want to return to your government's discrimination against northern cancer patients.

Last fall our caucus raised the issue of Donna Graham of Pickle Lake, who had to drive six hours one way to Thunder Bay in order to get cancer care and who only received a fraction of her costs; the case of Gladys Whelan, a pensioner from Fort Frances who, after three trips to Thunder Bay, stopped going for cancer treatment because she couldn't afford to travel any more; the case of Anna Watson, who came from Fort Frances about six weeks ago and was in this gallery, who spoke of the thousands and thousands of dollars she was out for cancer care that she had to pay out of her own pocket.

Today at Queen's Park we have two other individuals, this time from northeastern Ontario, who have been directly affected by your government's discrimination: Janice Skinner, who has spent over \$40,000 travelling from Capreol, my hometown, to Toronto because her form of cancer is not treated in northern Ontario; secondly, the case of René Boucher, who drives his wife from Iroquois Falls to Sudbury for cancer treatment and who has also spent thousands of dollars.

Those two individuals know that your government is paying 100% of the cost for cancer care for southern Ontario patients while they get back only a fraction of their costs. Janice Skinner said the following today: "I want to be treated fairly. We pay taxes. We all live in Ontario. I feel we are being discriminated against. I just want to be treated fairly."

Minister, when is your government going to end its discrimination against northern cancer patients?

**The Speaker (Hon Gary Carr):** Chair of Management Board.

**Hon Chris Hodgson (Chair of the Management Board of Cabinet):** I know the Minister of Northern Development and Mines would like to answer this.

**Hon Tim Hudak (Minister of Northern Development and Mines):** I'm pleased to respond to the member's question.

There was a recent letter to the Sudbury Star from Dr Shumak, from Cancer Care Ontario, who mentions that some of the criticism coming from the opposition is just serving to confuse the issue. I think we have to put the facts on the table to make sure everybody understands that there are two different programs that the members are trying to confuse to try to sow those seeds in northern Ontario.

As an example, if somebody from Tobermory had to travel 300 and some kilometres down to London for hip replacement surgery, that individual would not receive any funding, whereas somebody from Smooth Rock Falls

travelling to Sudbury for a similar procedure would receive funding to assist in their costs.

The goal of this government is to make sure that northern Ontario patients have access to health care services as close to home as possible, and that's why this government is making record investments in cancer services in northern Ontario, in kidney dialysis services in northern Ontario, in new MRIs, more operations and more doctors and specialists in the north. The goal is to ensure that patients get care as close to home and as quickly as possible. It's a goal we've made major strides on, and we're moving ahead in the future.

**Ms Martel:** Your government surely does have two different programs. You've got a deluxe plan for southern Ontario patients and a second-class plan for second-class cancer patients from northern Ontario. That's what we've got happening here, Minister. Why don't you admit it? It would cost your government \$6 million to end this discrimination.

I remind you that earlier this spring you had \$5 million to blow on partisan television ads which did nothing to add to front-line health care. You've already committed to paying \$23.1 million to cover 100% of the cost of southern Ontario patients to access care. In addition to that, you had a \$5-billion surplus from the last budget, and all you can find is one cent for health care versus one dollar for tax cuts. It would cost you \$6 million to end this, and your government has done nothing.

A month ago the finance minister said publicly that this program would be reviewed. Over a month ago, your Minister of Health said this program would be reviewed. Two cancer patients from northern Ontario are here today, and they're telling you nothing has been done. They're tired of being treated like second-class citizens. When is your government going to put up the small amount of \$6 million to end your discrimination against our patients?

**Hon Mr Hudak:** I know there's the incentive to play a little bit of politics with this and try to mislead the people of northern Ontario.

*Interjections.*

**The Speaker:** Order. You need to withdraw that.

**Hon Mr Hudak:** I withdraw it, Mr Speaker.

The fact of the matter is that there is the northern Ontario travel grant program, which doesn't exist for patients anywhere else in the province. This is only for northern Ontario patients, to help them get the services they need and to overcome the costs of travel.

With respect to an entirely separate temporary program from Cancer Care Ontario, patients in similar circumstances with respect to re-referrals or times they can't get timely service, Cancer Care Ontario would treat those patients the same, whatever part of the province they're from, when they're in similar circumstances.

The fact of the matter is that what they don't understand and what they don't seem to come to grips with is that it's the Mike Harris government that is building a new hospital in the Sudbury area, where you're from.

You had the opportunity to build that hospital, to add \$100 million to that hospital. You didn't do that.

*Interjections.*

**The Speaker:** Minister, take a seat, please.

**Hon John Snobelen (Minister of Natural Resources):** On a point of order, Mr Speaker: I thank you, and on perhaps a more gentle track, I have two delegations, one of which will be leaving shortly, which I'd like to introduce to the House.

**The Speaker:** That's not a point of order.

*Interjections.*

**The Speaker:** Not during question period, they don't. I say to the Minister of Energy, during question period they do not. We do not allow question period to be used for that. They have not done that, and I will not. I say to the Minister of Energy, they have not.

New question, member for Sudbury.

**Mr Rick Bartolucci (Sudbury):** My question is also to the Minister of Northern Development and Mines. Minister, this is not about politics; it's about people. It's about people who cannot afford the cost of being treated for cancer. It has nothing to do with partisan politics.

Let me explain to you very slowly but very clearly. Mary Jane comes from Toronto, travels north 400 kilometres to Sudbury to be treated for cancer. All her air travel costs are paid; all her hotel costs are paid; all her meal costs are paid; all her taxi costs are paid.

Janice Skinner travels the same 400 kilometres, except she travels them south to Toronto, because Janice Skinner's cancer cannot be treated in Sudbury. She gets 31 cents a kilometre, one way. That's \$124. She receives no hotel costs, no meal costs, no taxi costs. As the Minister of Northern Development and Mines, I want you to explain to Janice Skinner why northerners are being discriminated against by the Mike Harris government.

**Hon Mr Hudak:** I quoted from a letter from Dr Shumak, which I will do again. Dr Shumak is the CEO for Cancer Care Ontario. He backs up what I'm saying, that there are two different sets of programs. One is a permanent program to help northern Ontario residents.

*Interjections.*

**The Speaker:** Order. Minister, take a seat.

Sorry for the interruption. Minister.

**Hon Mr Hudak:** As Dr Shumak says, there are two different sets of programs. They're trying to confuse for political gain, and I know that's what they're about. It says they're designed to meet different purposes and in fact Dr Shumak, the expert in the area, says there is no inequitable treatment between northern and southern patients who need to be re-referred for radiation treatment.

The member says this is not about politics. The member knows the facts of this matter, but that doesn't stop the member, in his steely heart and political calculations, from taking these poor people with his class action lawsuit and telling them things that are not true. They're against what Dr Shumak is saying. You want to know who is acting in politics? It's the member opposite,

who's taking advantage of his constituents for his own political gain.

1440

**The Speaker:** The time is up. Supplementary.

**Mr Bartolucci:** On a point of order, Mr Speaker: I believe the minister has gone a little bit overboard in his defence of a bad policy and is impugning motives. My only motive is to ensure that there is fair treatment.

**The Speaker:** Supplementary.

**Mr David Ramsay (Timiskaming-Cochrane):** Supplementary to the same minister. Northern patients who have to travel down here don't hang their hat on the bureaucratic gobbledegook that you're giving us in this House. If you're a northern cancer patient and you cannot get that treatment in their region, northern Ontario, and have to be, let's say, redirected to southern Ontario for treatment, they don't get the same fee, the same support, that a southerner gets when they have to be redirected to the north. That's the difference, and that's all they understand. They don't understand all your different bureaucratise that it's redirect, re-referral. If we have to travel south because we can't get into the very good cancer centre in Sudbury, we get the one-way mileage. If somebody in Oakville has to go to Sudbury or Thunder Bay, they get up to \$4,000, all expenses paid. We don't like the difference; it's not fair. When are you going to fix it?

**Hon Mr Hudak:** It's true that there is a northern Ontario travel grant program that does not exist in any other parts of the province to help northerners to overcome the cost of travel for distances. So as the member says, if somebody from Oakville, for example, had to travel to Ottawa or to London for treatment, say for knee surgery or a hip replacement, that individual would not get the costs covered, whereas somebody from the north, for similar travel on a re-referral or redirect, would have some of those costs returned. But the point of the matter is—I know that the only vision the Liberals have for northern Ontario health care is to send patients all over the place, whether to the States or other provinces or down south. Our vision for health care in the north is quite a bit different. We want to bring services to northern Ontario; we want to bring more doctors—

*Interjections.*

**The Speaker:** Order. Minister, take a seat. Order. If members want to shout across, we'll just wait, and the clock will continue to run.

## TRANSPORTATION OF STUDENTS

**Mr Ted Arnott (Waterloo-Wellington):** My question is for the Minister of Education and it concerns funding for school busing in my riding of Waterloo-Wellington, which comprises areas such as the Waterloo region public school board, the Waterloo separate school board, the Upper Grand District School Board and the Wellington separate school board. I would like to first of all acknowledge the efforts of my colleagues the member for Dufferin-Peel-Wellington-Grey and the member for



Guelph-Wellington for their leadership on this issue as well.

We have heard from stakeholders, including board officials and school bus operators, and their first message is one of appreciation to the minister for the additional \$23 million in funding recently budgeted for pupil transportation. At the same time, we are hearing that funding inequities need to be addressed. For example, boards which cut costs some years ago are apparently receiving less relative to boards which did not find savings during that time. There are also concerns that rural boards which have fewer students but much longer bus rides are at a funding disadvantage relative to urban areas. Would the minister update this House on how these new dollars might alleviate these kinds of funding problems in the future?

**Hon Janet Ecker (Minister of Education):** I thank the member for the question. I have had many discussions with the caucus colleagues he has mentioned about this issue. The transportation of students to schools is extremely important. We want to make sure that it's available, that it's safe, that our students are arriving ready to learn and well-transported, if you will. There's no question, as the honourable member focuses on, that some boards have done a very good job, have been very cost-effective, while others have not been able to take those steps. We've put forward interim funding this year for those school boards, primarily for rural and northern boards, remote boards that have some significant challenges. That brought a total of \$600 million for transportation grants, the highest it has been. But we also know that we need to do more work about how boards get that money, because it's still not supporting them in the way it needs to. We have a working group that is doing that work now to see how we can best financially support those boards to have appropriate bus transportation for our students. The providers have certainly been experiencing some cost pressures, and we want to make sure that we do not jeopardize this very important service for our students.

**The Speaker (Hon Gary Carr):** Supplementary?

**Mrs Brenda Elliott (Guelph-Wellington):** Minister, this is a very serious issue in our riding. Our constituents want our school boards to be diligent in finding efficiency and in spending every tax dollar wisely. One way that has been suggested for this to occur is for boards to form consortia, to join forces and co-operate, for instance, in things like designing school bus routes.

What I would like to know is: Do you agree with the concept of consortia, and what steps will you take as minister to ensure that the boards work together and direct as many education dollars as possible to the classroom?

*Interjection.*

**Hon Mrs Ecker:** The honourable member from the opposition says there's nothing new about consortia for school boards and transportation. He's right. There wasn't anything new. Their government, unfortunately, didn't take steps to ensure that was indeed happening.

We are taking steps to make sure that those school boards who have not explored this option should indeed do that. Some boards have already saved many millions of dollars, which they're plowing back into the classroom, by being efficient in transportation, by doing consortia among themselves or the coterminous boards. I know, just even in Durham region, some of the potential savings from doing that are quite significant. So we are encouraging that. We're doing it through a number of ways. Most recently, we have money available to boards for the information technology that allows them to do that better. Again, some boards have moved forward with that; others have not been able to. We want to make sure that they have those technology supports. Again, the goal here is to make sure our students have the bus transportation they need and that it is done in the most cost-effective fashion possible.

### WATER QUALITY

**Mr James J. Bradley (St Catharines):** I have a question for the Minister of the Environment. My question's about mission impossible, that is, your telling the people of this province that you are going to have 630 water treatment plants thoroughly and completely inspected—remembering they take over a week apiece to do if they're to be done properly by expert staff who are suitably qualified, acceptably qualified, know the ins and outs of water treatment plants—you're going to do 630 plants this year, when in 1998-99 you conducted 68% fewer inspections than in 1993-94, the year before your government took office. You said last week you've cut the Ministry of the Environment budget by 44%. You have at least 800 people out the door, probably more, and 37 of those employees were dedicated to water plant inspections.

My question is this: Minister, how on earth are you going to do it properly? How are you going to inspect all of those plants, with qualified inspectors, the way they're supposed to be inspected, and at the same time not be inspecting all the sewage treatment plants in this province that spew forth all kinds of contaminated water?

**Hon Dan Newman (Minister of the Environment):** Again, we are reviewing all certificates of approval for the water facilities in the province. We are going to ensure that they're all done by the end of this year. We're going to ensure that certificates of approval will be done once every three years thereafter. We're going beyond that: We're going to ensure that each of the 630 facilities in the province are indeed inspected by the end of this year by qualified personnel, and we're going to see that happens.

**Mr Bradley:** Of course, anybody who knows this file at all knows this cannot be done—that you cannot do it with the staff you have at the present time unless you're pulling people from every other job in the ministry, people who may not have the specific qualifications and people who should be doing other important jobs within the ministry. Either that or you're going to have to head out into the private sector and find the people that you

fired out the door to do those inspections for you, and there aren't even enough of those people.

The Premier has said that somehow, once this bulge is over, you're not going to need permanent staff to conduct those inspections. I know and you know, and anybody who knows this field well knows, that you cannot thoroughly and appropriately inspect all of those plants in a year, and they know that you'll be abandoning sewage treatment plants, which also need inspection. How is it, then, that you're going to be able to maintain a once-a-year schedule of inspection in the years to come, or is it true that you're going to revert back to the once every three years, which proved to be totally inadequate and produced the disastrous results which we see in this province already?

**Hon Mr Newman:** I remind the member opposite that each and every water facility in this province will be inspected this year and that they will be inspected by qualified personnel to ensure that each and every facility is in compliance. If a facility is not in compliance, a field order will be issued, and we're going to ensure that it is done.

1450

### COMMUNITY SAFETY

**Mr Wayne Wettlaufer (Kitchener Centre):** My question is for the Solicitor General. Public safety is one of our government's top priorities. We believe that one of the best ways to improve community safety is to invest money into front-line policing. Last month, we presented the Waterloo Regional Police Service with a cheque for \$239,597 as part of our community policing partnership program. Through our community policing partnership program, the Waterloo Regional Police Service will get an additional 53 front-line police officers. To date, 42 of those officers are already on the streets of Kitchener Centre. On the same day, you and I also presented a cheque for \$30,000 to the Waterloo Regional Police Service for their RIDE program, Reduce Impaired Driving Everywhere. That means that since 1995 our government has given over \$155,000 to their Reduce Impaired Driving Everywhere program. Through our Partners Against Crime front-line policing grants, Waterloo Regional Police have also received \$20,000 in 1999 to purchase Stop Stick tire deflation devices. I would also like to tell the House that community agencies in Kitchener Centre have also been recipients of our Partners Against Crime community crime prevention grant program. And this morning, I presented the Kitchener Downtown Business Association with \$30,000 to assist with their graffiti-busters project.

Minister, all these investments are being made by our government to help keep the streets of Kitchener Centre safe. Could you tell the House about some other investments that our government is making to help keep our community safe?

**Hon David H. Tsubouchi (Solicitor General):** I'd like to thank the member for Kitchener Centre for the question. As the people of Ontario know, the battle

against crime takes place not simply with the front-line police officers, but also in our use of science in combatting crime. If I could say a couple of words about the Centre of Forensic Sciences, our Ontario Centre of Forensic Sciences is acknowledged world-wide for their expertise and for being cutting-edge in terms of certain areas, particularly in DNA. We recognize the importance of DNA testing in the fight against crime. Over the last few years, we've doubled the number of staff and we've doubled the amount of space dedicated to our DNA testing.

Recently in the papers, they were criticizing the federal government in terms of the ability of their police to turn around their samples in tests of DNA. It's a matter of months that they're testing. I'm proud to say that at the forensic centre in Ontario, our turnover time is 48 hours. Forty-eight hours is the shortest time scientifically in which analysis can be done.

**Mr Wettlaufer:** Thank you, Minister. It is nice to know that unlike the federal Liberals, our government is supporting a wide range of initiatives to fight crime, from the front-line police officers on our streets to new and innovative techniques at the Centre of Forensic Sciences.

You mentioned that our investments in the Centre of Forensic Sciences have led to a reduction in DNA turnaround time and that the size of the laboratory and the number of staff have doubled. The federal Auditor General released a report recently, criticizing the federal Liberals and their lack of support for the RCMP laboratory system and the backlog in DNA testing. He went on to suggest that this backlog was a threat to public safety. Minister, would you please tell the House and the people of Kitchener Centre about your concerns with the lack of federal Liberal action in this important area of crime-fighting?

**Hon Mr Tsubouchi:** Recently, I wrote to Anne McLellan, who's the justice minister federally, urging her to institute a national DNA bank. There are three areas in which the current DNA testing is failing nationally, as I believe. The first one is that we as a government, along with the Ontario chiefs of police and the Canadian chiefs of police, have been calling for the testing of DNA upon arrest, just as we test and take the samples of fingerprints, because it's a totally unobtrusive way of testing.

Second, we believe there should be a retroactive universal collection of DNA from all the convicts who are currently in the penitentiaries and prisons. Clearly, if we were to have this universal sampling, we would be able to solve all kinds of unsolved crimes, because, believe me, these folks who are our guests right now in corrections did not commit just one crime. We have the ability now to safeguard our communities by doing this testing now on all the prisoners. However, the federal government is resisting this. For what reason, we do not know.

### COMMUNITY ACTIVITIES

**Mr Rosario Marchese (Trinity-Spadina):** I have a question for the Minister of Education. Minister, today



we have another example of your failure and the failure of your Common Sense Revolution. Your cuts are hurting kids in more ways than one. Boy Scouts and Girl Guides across this province won't be able to pay the \$100,000 that schools must charge for the use of their schools, thanks to your funding formula, which is cutting the heart out of our communities. Since you have centralized education financing, boards of education have lost the flexibility to be able to respond to community needs. Boards cannot help Boy Scouts and Girl Guides any longer. Will you?

**Hon Janet Ecker (Minister of Education):** I think using school facilities for many community activities is certainly an appropriate use of those facilities. School boards make policies about what they're going to charge for the use of those facilities. For example, the Toronto board, as I understand it, has special rates for groups like Boy Scouts and Girl Guides. It's \$5.70 an hour, as I understand it. They may well be working with the city to change that policy, but school boards have always had the responsibility for determining that policy. I certainly expect them to make appropriate judgments based on what they believe is appropriate for their community.

**Mr Marchese:** Minister, we know this information. The boards have been subsidizing Boy Scouts and Girl Guides for a long time. They've given them reduced rates for a long time. You know that boards have been reduced to fundraising in so many ways. School councils are fundraising until they drop. A school in Windsor is selling bricks to stay open. You have countless dollars, billions of dollars, to give away to corporations as tax cuts, yet you have squeezed boards till they're dry. They have no more money. They're saying they cannot any longer subsidize the Boy Scouts and the Girl Guides. So I say to you that you are directly responsible, because of your funding formula, for causing the damage that this will do to the work that is done by the Boy Scouts and the Girl Guides. You are directly responsible for that, and I am asking you, are you going to be able to help? Boards are no longer able to do that, after you've squeezed them dry. Are you going to be there for them, Minister?

**Hon Mrs Ecker:** The Toronto board, as I understand it, does provide a lower rate for Girl Guides and Boy Scouts. As I said, it works out to about \$5.70 an hour for the use of a school gym, which I would anticipate is much below the cost that the board would incur in order to do that worthwhile opportunity. I would certainly congratulate school boards that do have that kind of flexible structure for groups that they believe are helping their students.

Secondly, I should remind the honourable member, since he keeps forgetting, that the tax reductions that we brought in in this province are predominantly benefiting those in the lower- and middle-income groups. As a matter of fact, there are lower-income folks who no longer pay any Ontario income tax because of our tax cuts, which is certainly, for a lower-income family, a great benefit to them.

The other issue the honourable member raises—there's a recent report from the education ministers

across the country that talks about the fact that parent groups are fundraising across the country. They've done it before; it is not a new thing. It's certainly a pressure that parents are experiencing in all provinces.

Finally, there is indeed more money today out there in our education system than there was when we came into office.

## CANCER TREATMENT

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Northern Development and Mines. Minister, I want to return to the issue raised a short while ago and I want you to tell me why the Mike Harris government is discriminating between cancer patients living in the north and cancer patients living in the south. Janice Skinner, who was in here just a few moments ago, over the course of the past 14 months has had to contribute \$10,000 towards her travel costs and other expenses, but her counterpart living in Toronto has had to contribute zero over the past 14 months. You tell us there are two different programs. There is just one group of people, Minister, surely you understand that—one group of Ontarians sick with cancer.

Tell us now, because we don't get it over here: How is it that you can countenance discrimination, and you discriminate against people suffering from cancer in the north as opposed to those living in the south?

**Hon Tim Hudak (Minister of Northern Development and Mines):** The Leader of the Opposition is right, he just doesn't get it. There is nothing new there. I'll tell him the difference.

There is an 18% increase in funding for the cancer centre in Thunder Bay, a 15% increase in the cancer centre in Sudbury, a new hospital and a new cancer centre going into Thunder Bay, a \$100-million investment in a hospital and the cancer centre in Sudbury and a brand new cancer treatment in Sault Ste Marie. The difference is that the Mike Harris government is acting to improve services for northern Ontario patients far beyond anything you even comprehended when you ran for this office last year.

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**Mr McGuinty:** Discrimination is still discrimination, even if you call it something else. This is discrimination, pure and simple, and it's unadulterated. It's there for everybody to see.

You told us that you were coming here to fix the government. You didn't want to be "the government." You were going to be there for the people. Well, here's a people problem. You've got a policy in place that clearly discriminates against people who live in the north. People in the south will not countenance this. People in the north will not countenance this. This is anti-Ontarian. Certainly my party believes that anybody in our province who happens to be stricken with cancer deserves equal quality treatment.

Stop trying to defend the indefensible. Fix this problem. You said you were going to fix the government. Fix

this problem and make it right for the people of Ontario who live in the north.

**Hon Mr Hudak:** I guess in the earlier questions to the Minister of the Environment it was Judge McGuinty, and now it's Dr McGuinty. In fact, a real doctor, Dr Shumak, who is the CEO of Cancer Care Ontario, says, "Cancer Care Ontario's program does not discriminate against anyone." It's true. You may know better, Dr McGuinty, but I'm telling you what I know. As I said, record increases into health care in this province, a new hospital in Thunder Bay and \$100 million going to Sudbury.

I want to say—

*Interjections.*

**The Speaker (Hon Gary Carr):** Minister take his seat, please. Order. Minister.

**Hon Mr Hudak:** As I said, Dr Shumak, the expert on the issue, says this program does not discriminate against anyone, and that's the fact. I know your vision is just to send patients travelling wherever; that's your vision for health care. Ours is to improve services to northern Ontario patients. That's why we brought in some 300 doctors and specialists, new hospitals, new cancer centres and MRIs. This record is far beyond anything you even comprehended.

## VICTIMS OF CRIME

**Mr Doug Galt (Northumberland):** My question is to the Minister of Correctional Services. On a recent Tuesday, the member for Niagara Centre introduced a private member's bill that would amend the Ministry of Correctional Services Act to allow victims to attend parole hearings. I was indeed surprised, but heartened, to see that the NDP apparently now believes that the victims of crime should be given a voice in our justice system. Minister of Correctional Services, what is your opinion of this proposed legislation?

**Hon Rob Sampson (Minister of Correctional Services):** I too was actually quite surprised to see that the member for Niagara Centre has finally agreed with this government's perspective on the rights of victims to participate more actively and fully in the justice system, including whether or not individuals who are sentenced for committing a crime are eligible for parole. I only wish that he was there to support this government when we took the initiative to make sure that parole was indeed considered a privilege to be earned as opposed to a right that was automatically granted. I wish he was supportive of that when we made that change in 1995. I take from the theme and context of his bill that he and his party now do support that. We have made great strides to make parole something that should be a privilege for individuals who are sentenced to earn as opposed to a right that's automatically granted to them.

**Mr Galt:** Thank you, Minister, for that response. Certainly it's obvious that this government takes the rights of victims very, very seriously.

I'm now left wondering if the Minister of Correctional Services might just elaborate on some of the steps the

Ontario government has taken. As members of this House are aware, public safety has been a prime feature of the Blueprint election platform. There's no question that the Blueprint clearly outlines what steps we will take to ensure that the rights of victims of crime are respected in this province.

Minister, perhaps the Liberals are unaware of our commitments to victims of crime. Can you please enlighten them for me.

**Hon Mr Sampson:** Not only do the Liberals apparently not believe in it, but they're heckling and joking over there when we talk about the rights of victims in the criminal justice system. They just don't get it and neither do their federal cousins, by the way, who have a federal parole system and a quota system to get people out of jail.

We believe that parole should be something that people earn in this province, and that's what we've done. We've made a lot of strides to make sure that victims are more active in the parole process and more active in the criminal justice system, to make sure their voices are heard. We're prepared to stand up for the rights of victims of crime. The Liberals aren't; we are.

## ONTARIO HUMAN RIGHTS COMMISSION

**Mr Alvin Curling (Scarborough-Rouge River):** My question is to the Attorney General. Mr Minister, we all agree that justice delayed is justice denied, but worst of all, when a convicted individual refuses to comply with the remedy ordered, the victim is further victimized but this time by the system.

Could you please tell the people of Ontario what procedures or practices are in place to ensure that convicted individuals comply with tribunal decisions so that victims are not further victimized?

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** I thank the member opposite for the question. It's unclear to me what the member is asking about—about the obligations of convicted criminals to obey administrative tribunals. If the member can elucidate and perhaps give me some idea of what he's asking about, I'll endeavour to respond.

**Mr Curling:** I thought a minister would have some sort of procedure in place for when someone has been convicted. But let me make it clearer to you, Mr Minister.

This government specifically promised to beef up the resources of the Ontario Human Rights Commission at the time it shut down the Employment Equity Commission. It is a widely known fact that the Ontario Human Rights Commission lacks the resources and mandate to be effective. This in itself denies justice. Further to that, it also lacks the necessary teeth to enforce its rulings.

We have known repeat offenders who make a mockery of the system by refusing to comply with the board orders. Would you say, Mr Minister, that this is the time to have a total review of the Ontario Human Rights Commission, giving it the necessary resources and



mandate to do its job? Quite often, whenever the board states its convictions and its ruling, it's completely denied and the individual goes scot-free without complying to those orders. What have you got in place to ensure that when these things have been ordered, there are procedures to make them happen?

**Hon Mr Flaherty:** I refer it to the Minister of Citizenship.

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**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** I'd like to thank the member opposite for the question. He asked a couple of questions about the Ontario Human Rights Commission and I'd like to say that on a number of different avenues we're very proud of the work that the Ontario Human Rights Commission is doing in the province of Ontario.

When we took office in 1995, there was an incredible backlog at the Ontario Human Rights Commission and people were waiting for a long time to be heard. We've implemented a mediation process that ensures that there is better client service, that people who feel they have a right to be heard in front of the tribunal have the ability to have that happen. Let me tell you that 60% of the complaints filed are resolved, right now, in less than six months.

What happens, in effect, is that people who come before the Human Rights Commission as a result of some concern or something they feel is a wrongdoing are able to be heard very quickly. The Human Rights Commission continues to do that. It continues to ensure that people get the hearings they deserve. They go through the mediation process, and they're also able to go before the board of inquiry. We believe that things are operating well at the Ontario Human Rights Commission.

**The Speaker:** The time for oral questions is over. The member for Essex on a point of order.

### VISITORS

**Mr Bruce Crozier (Essex):** Several weeks ago, I was privileged to be principal for a day at Gosfield north elementary public school, and I am pleased to say today that I have the principal, Bill Kotevich, with me as an MPP for the day.

### EDUCATION LEGISLATION

**The Speaker (Hon Gary Carr):** Member for Parkdale-High Park on a point of order.

**Mr Gerard Kennedy (Parkdale-High Park):** A point of order relating to the change of business in the House. I had intended to file this with you as a point of privilege tomorrow. However, the changing order of Bill 74 has affected that, so I'd like to provide this to you, Mr Speaker, as supplementary information; that is, the assistant deputy minister of education has already issued directions to school boards as if Bill 74 had already passed. I have in my possession a memo sent on the

impact of Bill 74 that clearly states that the bill is already assumed to be passed and the measures have already taken place. I'll provide that to you as supplementary.

**The Speaker:** I would appreciate that.

### PETITIONS

#### NORTHERN HEALTH TRAVEL GRANT

**Mr Michael A. Brown (Algoma-Manitoulin):** I have in my possession petitions literally carrying thousands of signatures. It says:

"To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to seek treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not have a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

That's signed, as I said, by hundreds, if not thousands, of my constituents.

#### DURHAM COLLEGE

**Mr John O'Toole (Durham):** It is my distinct pleasure to be recognized. I am presenting this on behalf of the Lions Club of Newcastle and their recording secretary, Frank Hoar, along with numerous other members of my riding of Durham. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas we request the Legislative Assembly of Ontario to support Durham College in their bid for university status;

"We, the undersigned, petition the Legislative Assembly as follows:

"We feel for the economic well-being of Durham region a university is necessary. We strongly support the bid by Durham College to achieve this status in the immediate future."

I sign and present this petition with all the intensity possible.

#### WATER EXTRACTION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I have a petition to the Legislative Assembly of Ontario.

"Whereas we strenuously object to permits to take water being issued by the Ministry of the Environment without adequate assessment of the consequences and without adequate consultation with the public and those people and groups who have expertise and interest;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We request a moratorium on the issuing of permits to take water for non-farm, commercial and industrial use and the rescinding of all existing commercial water taking permits that are for bulk or bottled water export, outside of Ontario, until a comprehensive evaluation of our water needs is completed. An independent non-partisan body should undertake this evaluation."

I will very happily sign my name to this petition.

#### FARMLAND

**Mrs Julia Munro (York North):** "To the Legislative Assembly of Ontario:

"Whereas Canada's class 1 farmland is a nationally important resource that is fast disappearing; and

"Whereas 8,000 acres of Canada's best farmland north and east of Toronto was expropriated in 1973 to be retained as parkland and farmland in perpetuity; and

"Whereas it was the stated intention of this and previous governments to protect this area of the Rouge-Duffin agricultural preserve as parkland and farmland forever; and

"Whereas the Ontario Realty Corp is charged with selling this public land; and

"Whereas this sale is being conducted in a manner that threatens the existing community and the future of farming in the agricultural preserve;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We request that the government of Ontario actively seek implementation of agricultural easements on all the farmland in the Rouge-Duffin agricultural preserve.

"We request that the government of Ontario honour the promise of the Chair of Management Board of Cabinet, specifically that the sale of the farmland will be at prices affordable to the farmers to ensure the continuation of farming in the agricultural preserve."

#### PESTICIDES

**Mr Richard Patten (Ottawa Centre):** I have today about 1,200 individual petition sheets from a lot of people from my area of the province. They say:

"To the Legislative Assembly of Ontario:

"Whereas the following cities in Ontario—Toronto, Waterloo, Ottawa, Kitchener and Cambridge—already have in place restrictive policies for the landscape/cosmetic use of pesticides on publicly owned land; and

"Whereas synthetic chemical pesticides and fertilizers now routinely used for landscape/cosmetic use are harmful to human health and the environment; and

"Whereas these products are unnecessary because sustainable, healthy and effective lawn care alternatives are available;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the province of Ontario phase out the landscape/cosmetic use of synthetic chemical pesticides on both public and privately owned land before the year 2001 and immediately develop and implement a comprehensive public education program to demonstrate the efficiency of sustainable lawn and garden maintenance practices."

I attach my name to this petition as well.

#### DURHAM COLLEGE

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** It is my honour to present a petition on behalf of a fellow Lion, Frank Hoar, secretary of the Lions Club of Newcastle.

"To the Legislative Assembly of Ontario:

"Whereas we request the Legislative Assembly of Ontario to support Durham College in their bid for university status;

"We, the undersigned, petition the Legislative Assembly as follows:

"We feel that for the economic well-being of Durham region a university is necessary. We strongly support the bid by Durham College to achieve this status in the immediate future."

#### NORTHERN HEALTH TRAVEL GRANT

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and



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"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

I have signatures of another 150 concerned constituents to add to the thousands of constituents who have forwarded this petition to the Legislature in the past. I affix my signature in full agreement with their concerns.

#### OAK RIDGES MORaine

**Mr John O'Toole (Durham):** Last Friday, I met in my constituency with members of the land use committee looking after issues on the Oak Ridges moraine. Minister Flaherty and Minister Ecker were with me as well at a well-received meeting, so on their behalf I'm reading a petition to the Legislative Assembly of Ontario.

"Whereas the Oak Ridges moraine is a glacial ridge running across the top of Toronto including Caledon, King, Aurora, East Gwillimbury, Whitchurch-Stouffville, Uxbridge, Pickering, Scugog, Whitby, Oshawa and Clarington; and

"Whereas the Oak Ridges moraine is the headwater for about 35 rivers and streams flowing south to Lake Ontario and north to Lake Simcoe; and

"Whereas the drinking water for millions of GTA residents, the wetlands, wildlife and natural areas will suffer irreparable damage if industrial, commercial and/or residential development is permitted without protective planning for preservation,

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything in its power to ensure the Oak Ridges moraine remains zoned as agricultural and rural;

"Work with the Ontario Municipal Board to ensure conservation of the Oak Ridges moraine;

"Provide a policy statement to enshrine its position."

I am pleased to sign and endorse this petition.

#### CORRECTIONAL FACILITIES

**Mr David Ramsay (Timiskaming-Cochrane):** "Whereas the government of Ontario has stated its intention to close the Monteith Correctional Centre; and

"Whereas this closure will result in the loss of 90 jobs in Iroquois Falls and the surrounding area; and

"Whereas this job loss will be devastating to the community,

"We, the undersigned, petition the Parliament of Ontario as follows:

"We call upon the government of Ontario to cease plans to close the Monteith Correctional Centre and continue to publicly operate this facility."

#### DURHAM COLLEGE

**Mr John O'Toole (Durham):** I appreciate being able to read a number of these because my constituents continue to send these petitions. This one is from the Newcastle Lions Club and I present it on their behalf. I might mention the member for Northumberland is a past district governor of Lions.

To the Legislative Assembly of Ontario:

"Whereas we request the Legislative Assembly of Ontario to support Durham College in their bid for university status;"—I might add I do as well—"We, the undersigned, petition the Legislative Assembly as follows:

"We feel for the economic well-being of Durham region a university is necessary. We strongly support the bid by Durham College to achieve this status in the immediate future."

I sign and support this petition on their behalf.

#### OAK RIDGES MORaine

**Mr Steve Peters (Elgin-Middlesex-London):** "To the Legislature of Ontario:

"Whereas the Oak Ridges moraine is the rain barrel of southern Ontario and the headwaters for over 65 rivers and streams, from Cobourg to Caledon; and

"Whereas the Oak Ridges moraine is threatened by uncontrolled development that is destroying precious natural wetlands, forests, groundwater and wildlife; and

"Whereas 465 world-renowned scientists, local residents and naturalists all support an immediate development freeze and the implementation of a comprehensive protection plan for the moraine; and

"Whereas the province has the power to coordinate planning over a wide area of nine regions and 26 municipalities and the province must act quickly; and

"Whereas every month new developments are being approved that will destroy the environmental integrity of the moraine;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the provincial government immediately freeze development on the Oak Ridges moraine and pass Bill 12, the Oak Ridges Moraine Protection and Preservation Act, so that there will be a comprehensive plan to protect and preserve the moraine for future generations."

I am in full agreement and have affixed my signature hereto.

### KARLA HOMOLKA

**Mr John Hastings (Etobicoke North):** I'd like to present a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to passes to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes,

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets;

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I am pleased to put my name on this as well.

### DELAYED START OF SCHOOL

**Mr Pat Hoy (Chatham-Kent Essex):** "To the Legislative Assembly of Ontario:

"Whereas for 1998 and 1999, a delayed start program, developed by community councils with input from students, had been accepted and successfully implemented for the schools of Glendale High School, Norwich District High School, and East Elgin Secondary School; and

"Whereas to this date there has not been resolve to this issue for September 2000, we hereby petition the Legislative Assembly to provide leadership and resolve for this very important local issue;

"Whereas this plan has, for two years, proven itself to be irrefutably beneficial to the students of these schools and developed with their best interests in mind;

"With the full support of all the parties concerned, we, the undersigned students of the schools who will be affected by this decision, support the continuation of the late-start program as it has existed."

It's signed by a number of residents from Tillsonburg, Springfield and Otterville. I affix my name to it.

**The Deputy Speaker (Mr Bert Johnson):** Further petitions? The Chair recognizes the member for Durham.

*Interjections.*

**The Deputy Speaker:** Order. I'm sorry, I overlooked the proper rotation. At this point I would recognize the member for Hamilton West.

**Hon Margaret Marland (Minister without Portfolio [Children]):** For the time being.

**Mr David Christopherson (Hamilton West):** No, for quite a while, Margaret, actually. I announced it today. I'm staying here. I would miss you.

*Applause.*

**Mr Christopherson:** Thank you.

**Hon Mrs Marland:** I would miss you too, David.

**Mr Christopherson:** That's sweet, Margaret, really.

**Mr David Ramsay (Timiskaming-Cochrane):** Break it up, you two.

### OCCUPATIONAL HEALTH AND SAFETY

**Mr David Christopherson (Hamilton West):** "To the Legislative Assembly of Ontario:

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances known as carcinogens;

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens;

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances;

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer and that the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

I continue to support these petitions by adding my name.

1530

### ORDERS OF THE DAY

#### ELECTRONIC COMMERCE ACT, 2000

#### LOI DE 2000 SUR LE COMMERCE ÉLECTRONIQUE

Mr Flaherty moved second reading of the following bill:

Bill 88, An Act to promote the use of information technology in commercial and other transactions by



resolving legal uncertainties and removing statutory barriers that affect electronic communication / *Projet de loi 88, Loi visant à promouvoir l'utilisation des technologies de l'information dans les opérations commerciales et autres en éliminant les incertitudes juridiques et les obstacles législatifs qui ont une incidence sur les communications électroniques.*

**The Deputy Speaker (Mr Bert Johnson):** Would the Attorney General like to start off debate?

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** I propose to share my time with the members for Etobicoke North, Northumberland and Durham.

Over the past five years, Ontario has experienced tremendous economic growth. Ontario's economic turnaround didn't happen by accident. It was the result of hard work by the people of the province as well as key initiatives that arose from strong and focused leadership. I was reminded of the relationship between success and work at the commencement ceremony at Trafalgar Castle School in Whitby last Saturday morning, where the valedictorian said, "The only place success comes before work is in the dictionary." Our government believes we must continue to work to develop initiatives that keep our economy competitive, growing and strong. That's why we have introduced the Electronic Commerce Act. If passed, the act would boost the online growth of Ontario's businesses by cutting red tape and removing outdated legal barriers to e-commerce.

This government places a high level of importance on the development of e-commerce in Ontario and is committed to seeing Ontario play a leading role in the development of the on-line economy across Canada. Terms like "dot.com," "e-mail" and "downloading" are now part of our everyday language. More and more, the people of Ontario are going on-line to conduct business, to send an e-mail or to shop. There is no doubt that the World Wide Web is becoming the communications hub for individuals and businesses.

Here in Ontario we want to bring our laws in line with those technological advances to encourage investment and establish consumer confidence. Currently in Ontario we still use the old law of contracts, based on ink and paper arrangements, an old law that doesn't recognize electronic contracts and therefore inhibits on-line business growth.

If passed, the Electronic Commerce Act would make it clear that electronic contracts, documents and signatures can have the same legal force and effect as contracts, documents and signatures on paper. Ontario's economic success depends on our ability to make e-commerce run as smoothly as possible. E-commerce is the new way of doing business, and many forward-thinking companies have already recognized the huge potential of e-business and are creating exciting new ways to generate commercial success. Electronic publications, on-line financial services, virtual auctions and virtual shopping are just a few of the emerging trends that are revolutionizing many industries. For example, companies like Procter and

Gamble and several automobile suppliers have created Internet buying systems. These systems provide a higher level of convenience and comprehensiveness for business partners and consumers.

What has hindered the rapid growth of these buying systems is the uncertainty about the law that governs on-line business. If passed, our bill would guarantee that a contract in electronic form would be legal and enforceable.

This bill would also help promote people's confidence in e-business. People need to have confidence in the validity of their electronic transactions.

As well, if passed, our bill would set up rules for automated transactions and for correcting mistakes made on a computer. For example, when shopping on-line, the proposed act would allow consumers to cancel a mistaken order unless the merchant provided a way for the consumer to confirm their order before it is processed. This should encourage merchants to design Web sites with a confirming "Are you sure?" message. This would serve as a double-check when someone is making a purchase or signing a contract on-line. We recognize the future of e-commerce will depend on consumer confidence and trust. This kind of rule will help strengthen that confidence.

We also recognize that the world of e-business has no borders and that the laws that govern e-business should also be borderless. In fact, this bill is based on an international model developed by the United Nations. That means the Ontario law, if passed, will be consistent with e-laws around the world. The UN model has influenced legislation in the United States and many of Ontario's other trading partners. It also served as the model for the national Uniform Electronic Commerce Act. Most, if not all, Canadian provinces will be basing their own provincial statutes on the uniform act that is the foundation of our bill. I'm pleased to note that Ontario is one of the first provinces to be moving forward with an e-business bill, along with Saskatchewan and Manitoba.

Since I introduced the proposed Electronic Commerce Act last week, I've heard from several business leaders who are reacting positively to our government's understanding of the business climate. John Wetmore for one, who is the president and CEO of IBM Canada Ltd, is encouraged by this bill and our recognition that a universal law is needed for e-commerce. For companies like IBM Canada, this bill is vital for positioning Canadian companies as world business leaders. Without this bill, Ontario would most certainly be left behind.

The Internet has helped companies and people transcend geographic boundaries. This bill would do the same. This bill would help small start-up enterprises compete on an international stage. These companies can use the Internet to quickly enter the marketplace by offering competitive products with substantially reduced overhead costs. What is holding some small companies back from plunging into e-business is that there is no law in place that clearly states electronic business transactions are legally valid. This bill would remove the

outdated legal barriers that have restricted e-business growth and would help unleash new opportunities for creative start-up companies.

The future growth of e-commerce in Ontario and Canada depends on business confidence and consumer trust. A recent survey of on-line Canadian shoppers finds they are now buying more products and services from Canadian Web sites rather than from American sources. This is encouraging, and we believe this bill would strengthen this trend by providing a new level of consumer confidence in their on-line transactions with Ontario-based companies.

Protecting one's privacy on-line is a primary concern for everyone in Ontario. It is a concern that this government takes very seriously. The people of Ontario want to be able to conduct e-business secure in the knowledge that their personal information isn't being misused. They want to have the protection of the law, and we understand this. The laws in Canada that already exist to protect individual privacy are applicable to on-line transactions as well as off-line transactions. In Ontario, the Ministry of Consumer and Commercial Relations is currently reviewing and will be addressing the privacy issue in an Ontario context. That is not to say there are not privacy provisions in this proposed bill; indeed there are.

We have had extensive discussions with staff of the Information and Privacy Commission. A number of provisions were incorporated in the proposed bill at the suggestion of the Information and Privacy Commission to ensure it would not weaken existing privacy protections. For example, the bill does not override privacy and access-to-information statutes. Consumers may also be concerned about the potential for Internet-based fraud or theft. The proposed Electronic Commerce Act does not change or affect existing laws that protect people from fraud or theft. Electronic commerce is not inherently more risky or more threatened by fraud than paper commerce. I know some people may not feel comfortable conducting their business electronically, however, and this bill would not force people to do so. It would simply provide those who wish to do their business electronically with the assurance that their transactions are legally binding.

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The same can be said for businesses. We're not forcing businesses to conduct their business on-line, but the reality is that businesses must adapt to market conditions. The market in Ontario, Canada and around the world is moving towards electronic commerce.

Our proposed Electronic Commerce Act would help ensure the survival of forward-looking businesses by demonstrating to other countries that Ontario has the foresight to create legislation that validates electronic documents and signatures.

Telegraph signals were introduced in the 1800s; the telephone came later in that same century. Both were used to help businesses enter into contracts. Today, a growing number of contracts are sealed electronically. It

only makes sense that in the 21st century Ontario should have a law that says you can do business on the Internet the same way you can on paper.

By passing this legislation, this province would be inviting even more new investment in Ontario. This legislation recognizes that electronic commerce is a real and effective way of doing business now and in the future in Ontario.

**The Deputy Speaker:** Further debate.

**Mr John Hastings (Etobicoke North):** I think today is very historic in marking how the Ontario Legislature, as it enters I guess the sixth month of the 21st century, is witnessing the passage, hopefully in the next few days, of Bill 88, the Electronic Commerce Act. I'm certainly glad to join in some remarks regarding what this particular bill means in terms of business for the next number of decades. In my estimation, it's going to have an enormous amount of meaning, substance and impact on how business and a lot of other activities are covered in the province of Ontario and throughout Canada.

I must say that in the last five years the Internet has probably penetrated nearly 50% of Canadian households—some provinces much higher. I think Alberta is the leader; Ontario is probably second. Saskatchewan is claiming that it introduced the first e-commerce bill—which it had to withdraw for privacy considerations, from what I can gather from sources out on the prairies. Regardless of that, the Internet took five years; it took about 25 years for television to penetrate. In terms of penetration, we mean the number of homes that were using television a number of ways. It probably took another 75 years for electricity to be utilized by businesses, residences, hospitals and the public sector when you look at it in terms of comparison. The point here is that the speed of change, the rapidity of that change, has telescoped down so quickly, which is why it is so absolutely crucial and necessary to have this e-commerce bill introduced and passed before we rise at the end of this month or sooner, depending on what happens. I guess you never know what might come forth from the other side.

I'd like to add that the Internet and the advancement of technology holds out enormous potential. It allows people, businesses, organizations around the world to communicate, share information, make transactions instantly. This has led to some very startling changes. In the world of medicine, for example, we can now have collaboration to develop life-saving cures. We can have police departments across borders working together to catch criminals. We can have businesses and consumers around the world gaining the opportunity for prosperity as well as greater choice and service.

From a cost perspective, the cost of transferring one terabyte of data, which is the equivalent of 25,000 CDs, will drop to under US\$300 by the year 2003, contrasted to \$80,000 for that kind of service and capacity in 1998. These are a few examples of how the Internet is impacting our lives and how technology is advancing rapidly daily.



Over a quarter billion people access the Internet today and use it to conduct business, purchase goods, communicate and interact with governments around the world. For example, the number of Internet users in China reached 12 million people last weekend. More than 25 million children in the US are on-line. That's three times the number of children who were on-line in 1997.

We must ensure that the tools are in place for on-line commerce to develop to its enormous promise. Unfortunately, our existing laws regarding legal and binding relationships, including contracts, were developed for an older system, for a paper-based world, and whether we like it or not, that system is fast becoming a way of the past.

The requirement for a paper trail has been so fundamental in our society that a justice department review of federal legislation found that of more than 600 federal statutes, 300 made references to "obtaining or sending information in a way that appeared limited to paper."

Business owners have worried that e-commerce will never reach its full potential unless two parties can complete a contract by using a computer to sign and send legally binding documents. If e-commerce over the Internet is to develop, consumers and businesses require the ability to make sound, binding contracts with digital signatures. This government should be on the forefront of this development in order to promote business and small business entrepreneurship. A digital signature works by identifying information in a secret code that only the participating parties can unscramble.

Bill 88 will provide convenience and service for the people of Ontario as they conduct business on-line. It will also establish a framework for future e-commerce in this electronic age. It will also ensure greater on-line certainty in that regard.

By making electronic contracts, documents and signatures the legal equivalent of paper contracts, documents and signatures, we can provide Ontarians with a new level of certainty in their on-line electronic transactions. By making contracts agreed to on-line legal and binding, we will create an environment in this province that promotes and encourages economic growth through innovation and the introduction of new and emerging technologies. Ontario, as Canada's economic engine, must always make sure that it has a vision for the future by keeping up with the technological advances of this fast-paced electronic age. We must also make sure that our citizens have every opportunity to interact with the government in the most efficient and effective way possible.

Governments worldwide have been moving to consider and implement e-commerce enabling legislation, and Ontario must not be left behind. Currently in the United States both houses of Congress, the House of Representatives and the Senate, are writing legislation. It is expected compromises will be worked out, with a final draft to be passed and signed into law by President Clinton before the political conventions of 2000.

In Canada, a national organization, the Uniform Law Conference of Canada, comprised of government and private sector representatives, has drafted a model piece of legislation. We must keep pushing the envelope and raising the bar of expectations to ensure that we are not left behind in this regard.

In addition to those comments, I would also like to place on the record what I think this will mean for all sectors of business in this province. You can see at the moment the emergence of a whole set of supply chains or what are called digital marketplaces. These phenomena are usually a collaboration of companies and organizations from a particular sector of the economy, whether it be the property real estate investment business, on-line brokerages, the plastics industry, the chemicals industry, the pulp and paper industry or the entertainment industry, just to name a few examples of what is starting to occur on Web sites. With the introduction of the Attorney General's Bill 88, I think this piece of legislation, which will honour electronic or digital signatures as a parallel, will help in great part to accelerate that type of business development in cyberspace.

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You're also going to see this kind of stuff in a number of areas in the medical world. As I mentioned, with the rapidity, pace and rate of change, people will want the opportunity, once they know that privacy and security are protected through a whole set of technological devices: fire walls and scrambled codes that are so hard to detect that it becomes nearly impossible—I say "nearly" because at the present moment the Internet, while it is one of the most interesting, flexible and innovative types of communications devices, also possesses within its infrastructure an inherent fragility. That inherent fragility, unfortunately, has been penetrated to some extent by hackers, most of whom have been working overtime. We've seen this recent phenomenon in terms of different viruses over the last two years, some of which have been enormously destructive of data and the collection of information that is stored in so many management databases.

Keeping that in mind, it is important that we can assure and make certain that the types of security being developed by a whole set of companies, a lot of them Canadian, from Certicom to, I think it's called, Zero-Knowledge out of Montreal—these are the leading types of companies that can provide the assurance we're going to need as we function in a cyber world. It has to be remembered that you have enormous private, commercial intelligence going over fibre optic lines or wireless lines, which is probably the next advancement in technology in this industry.

I am very happy to have had the opportunity at this historic time to make my contribution to this debate today. I'm glad to see that when Bill 70 was passed the Attorney General took my good advice and used it as a platform for the development of Bill 88. It leaves me a mighty happy individual in today's Legislature when I can see that we're moving quickly to capture the

importance of the e-commerce world. It not only means new investment and greater confidence for the citizens of Ontario, but it means an enormous number of jobs.

When we hear from the opposition, I hope they will stand in their places, be crystal clear for once and guarantee that they will support Bill 88 in its present form without any qualifications, equivocation or reservations of any kind whatsoever. This is the type of bill they keep telling us is an opportunity by which we can work together. We often hear the phrase "work together." I'm hoping today that we on this side won't be disappointed when we hear from members opposite as to how they view this bill and that for once they'll stay on the subject matter that has been presented.

It would be interesting to hear, and I would challenge them to present, any specific sophisticated alternatives they may have that would advance this whole piece of legislation, not only in this area but in how we handle other technological challenges that are sure to be presenting themselves in the next few years.

I hope they don't deviate from the content of this bill. There's sufficient substance in it to debate for the next number of hours or days. So I'm hoping that they will stand in their places, that they will clear their minds and that they, for once, will advocate and support a bill which is progressive, technologically sophisticated, helps business in this province, throughout Canada and the world because we're becoming a more globalized, interconnected world and that helps to create an integrated economy. We often hear the phrases "new" and "old," but when you look at this bill, it is a fundamental and crucial bridge for bringing those economies together, symbolized by nothing greater than the digital market-places we have in so many business sectors.

I would like to congratulate the Attorney General for advancing this piece of legislation and I'm happy to have been a major part in getting it done.

**Mr Doug Galt (Northumberland):** As I start out on my presentation this afternoon, congratulations are very much in order to the member for Etobicoke North for bringing this and having the advanced thought of bringing it forward some time ago, and also to the Attorney General, for helping to move our government into the 21st century.

I'd like to quote a little bit from the National Post that made reference to this legislation on Tuesday, June 13. It's a quote, actually, from John Wetmore, the president and CEO of IBM Canada Ltd. He said: "Governments around the world are taking steps to ensure electronic signatures and documents are legally recognized. In Canada, private contracts are a matter of provincial jurisdiction. We would encourage all provinces in Canada to adopt similar measures to Ontario and help position Canada as a leader in e-business."

In framing the legislation, the Attorney General worked closely with the Ontario privacy commissioner, who made changes to the proposed legislation to protect individual privacy. I think that's particularly important and is part of this legislation. He goes on to say: "If

passed, the new bill would prohibit organizations from collecting 'biometric' information, including finger or iris scans, signature information or voice recognition without consent from the individual."

To put it in context in my presentation this afternoon, I'd like to bring people up to date in this bill, Bill 88, the Electronic Commerce Act if they're not aware, of some of the things that have been happening in the province of Ontario and the world as it relates to computers and to the Internet. Sales on the Internet are mushrooming at one phenomenal rate. We think in terms of e-commerce, and I would suggest that maybe what we're dealing with on the Internet with e-commerce is much like the Eaton's catalogue at the turn of the century. We all know how well-thumbed those catalogues became. They became dog-eared and well-examined.

There's an interesting story—and I think I have the right island. There was a young lad who lived with his parents, and his parents did market gardening and grew a lot of jalapeno peppers. My understanding is it was from the island of Jamaica. This young lad thought he'd be helpful with his dad and so he advertised on the Internet the fact that they had jalapeno peppers for sale. They received a few orders and everything was rolling along just beautifully, until, lo and behold, from Texas—of course, where else would you get a great big order? The order came in and not only could they not fill the order from that farm but all of the farms on the Caribbean island were unable to fill that particular order for jalapeno peppers.

I bring that story to your attention because that gives you some indication of the power of e-commerce and the power of the Internet when we advertise on that system. Anyone listening, don't think that if you advertise there you're to sell in that kind of quantity. That may have been a fluke of luck for this one young man.

I think some of the changes that we're looking at—if you go back to 1950 when they were writing about the future and what would it be like in the world and in Ontario in the year 2000, the word "computer" never came up in those predictions. Of course, very understandably. We didn't have a word called "computer." There were no computers. It was something that came quite a few years—a decade or two—after that.

It's also interesting to note that in 1993, we only had a few hundred people on the Internet. Now we have hundreds of millions of people that are using the Internet and have their Web pages. The computing power that we have in just a small chip is absolutely phenomenal. I'm told that some of these cards you get that play "Happy Birthday" or "Happy Easter" or whatever actually have more computing power in those cards worth a few dollars than all the computing power that was available to put a man on the moon back in 1969. That's the kind of change we've had.

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I recall back in 1967, I believe, when I was on the Northumberland-Newcastle board of education, they had had computers for some time. They occupied three class-



rooms in the high school in Port Hope, all air-conditioned. They were using them for bus routes etc, and they were going to get rid of them and replace them with some new computers. I complained bitterly that they were just going to take them off to the dump, but when they explained to me that they had as much computing power sitting on a desk, a desktop model, as there had been in all three classrooms, they got their point across. To carry that one step further, today we have as much computing power in the little hand-held pocket organizer that most members of this Legislature carry on a daily basis. In just over two or three decades it has gone from what would be in three classrooms—large classrooms, had to be air-conditioned—to a little pocket organizer that we carry. That's the expansion. That's what we're dealing with in this legislation.

Recently, listening to a futurist talk about it, he said the technology is here today, but it's going to be a while before it's on the market, that our computer screen will be our eyeglasses. We'll just put on a set of eyeglasses and we will see the computer screen right there. They will be voice activated. We'll probably carry a little something on our belts with a wire up to the back of our glasses. The signals will be received via satellite and we'll be computing, we'll be on the Internet, simply through voice activation. That is the direction in which we are indeed going.

I'm sure there are lots of people listening this afternoon to some of the comments about this and saying, "We never use a computer, we never use the Internet," but probably most of them do use the automatic tellers, known as the ATMs, and as soon as you plug into one of those you are indeed on the Internet and using computers. Driving your car, using appliances—they all have microchips in them and to some extent are computers.

This change in Bill 88, the Electronic Commerce Act, has a lot of meaning to the province of Ontario. Just as we committed in our Blueprint and in the throne speech back in the fall, it's about investment, it's about jobs, and certainly we're going to see a tremendous amount of investment in Ontario because of this bill.

Quite a few things are going to happen once this bill is passed. It's going to ensure that electronic contracts, documents and signatures have the same legal effect as contracts, documents and signatures on paper. That, in a nutshell, is what this bill is about. It's so cumbersome to put it on paper. We talked about the paperless world once upon a time. We really haven't arrived at it. I think we're multiplying the paper even faster than ever, but once we move into recognizing that you don't have to hold that signature on a piece of paper in a file, maybe we really will be starting to move in the direction of a paperless society. Certainly this bill will be one step in that direction.

Second, this bill would set rules for automated transactions and for the correction of mistakes made on computers. We all see things coming out of computers and paper being printed off from them where there are mistakes, and certainly that recognition has to be there.

Often it's just a typographical error of inputting and either the spell checker or the grammar check didn't pick it up for that individual.

It's also going to adopt national and international standards for e-commerce law. I'm thrilled to see that the United Nations has already made a move to recognize that there is a need for international standards.

It also would not require anyone to use or accept electronic documents. I can see that some people would be very uncomfortable being forced into using these documents. Where is it? They want hard copy; they want the paper. If that's the case, then they will not be forced, through this legislation, to necessarily accept it, but if they want to accept it, it's going to carry the weight of law with it.

The bill also, if passed, would not prescribe particular technology that must be used. That's certainly understandable because the technology, as we're all aware, over the last few decades, particularly information technology, has changed at just one phenomenal rate. Consequently, we wouldn't want to get narrowed down into one particular type of technology.

Consistent with this government, we've consulted extensively on this particular legislation. I referred a little earlier to the fact that there's been extensive consultation with the Information and Privacy Commissioner. She has pointed out some things that, for example, shouldn't be in the bill. This bill will not allow organizations to collect biometric information, as I mentioned—fingerprints, iris scans, that kind of thing—on individuals unless they were to give their consent.

Also interesting are the standards present in this bill. The standards go along with the United Nations' model law on electronic commerce, passed back in November 1996, which gives a standard that can be set up internationally. So often we see three or four different codes, or millions or hundreds, or whatever, various codes, and then you try to bring them together later on. At least in this case, compliments to the United Nations for setting this up in advance.

We're not quite the first province to be bringing this in, but we're right with the other two provinces that have. Saskatchewan introduced it May and Manitoba introduced on June 5 a similar electronic commerce act. Also, I understand that the province of Quebec has indicated plans to introduce similar legislation and, looking at the time of year, probably that's going to come in some time this fall.

It does require some acknowledgement from the federal government, and I'm pleased to see that they have brought in Bill C-6, which is the kind of legislation that permits the use of electronic documents and gives the provinces the opportunity to pass their laws.

Under the present law, laws applicable to the use of electronic communications can be uncertain, since many legal rules assume the use of paper documents. We can overcome that, as lawyers, in passing all the various things in the past, needed that signature on paper, with witnesses etc. Certainly, it is widely agreed that the

uncertainty of the legal status of such communications inhibits investment in businesses that would like to use high technology. In the past this has been limited, and in the future we're going to be able to move ahead. Sometimes we might refer to them as paper barriers. We're going to overcome those paper barriers.

It's interesting to note that many other countries around the world are also moving in this direction. Australia's e-commerce legislation, the Electronic Transactions Act, 1999, and the electronic transactions regulations of 2000 came into effect on March 15, 2000. Similarly, Ireland and the United Kingdom and India are also implementing e-business and e-government strategies. I understand there's a state that has passed some e-commerce as well.

We're very committed to this. Back on October 21, 1999, the speech from the throne stated: "Your government wants Ontario at the forefront of this revolutionary technology. It has already endorsed a voluntary electronic commerce code of conduct to set a framework for fair business practices on the Internet. Now it is setting an ambitious goal to ensure that Ontario's consumers and businesses seize the opportunities and enjoy the benefits offered by the Internet."

Similarly, Mr Speaker, it was also in our Blueprint when we campaigned last spring, and I'm sure you would remember that campaign quite well. The Blueprint committed the government "to build a global Internet and electronic business hub" here in the province of Ontario. Certainly by getting this in relatively early to other countries, we in the province of Ontario will be able to lead and attract business right here to the province.

Again, I compliment Mr Hastings for bringing forward his bill. I understand it's now in the standing committee on general government for consideration. But with what's happening with the Attorney General and Bill 88, maybe that bill will not be necessary.

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In closing, as I know the member for Durham is getting quite excited that he have some time, I just wanted to make some reference to a newspaper very close to my riding, and it does come into the riding. The Belleville Intelligencer had just an excellent editorial on this bill, if I can quote a few pieces of it:

"The party that pledges to make it easier to do business in Ontario is delivering.

"Tuesday, the Tories introduced legislation that will give electronic contracts, signatures and documents the same legal effect as their paper equivalent."

It goes on to say, "The first province to introduce a complete set of commercial laws to govern Internet business, Ontario is definitely taking that leadership role.

"But, as Flaherty pointed out, it is crucial provinces work together. While contract regulation is a provincial affair, it would be wise for other provinces to get on board as soon as possible—not necessarily by adopting Ontario's proposed laws, but by devising their own in a timely fashion.

"If the provinces could devise consistent commercial laws, Canadian business would be better for it."

It goes on, near the end, "According to estimates, by the year 2003, \$1.3 trillion in goods and services will change hands worldwide via the Internet." I can't quite think in terms of trillions, but it's certainly a tremendous amount of commerce. "This latest announcement from Mike Harris's government will poise Ontario's e-businesses and those using electronic services to take a slice of that pie."

As I wind up and close here, it's important to recognize the tremendous advancement that we've had in electronic information. It's really putting Ontario, Canada—actually it's putting the world really ahead by leaps and bounds as to what we can do. There was a great controversy some 10 or 15 years ago over free trade. Well, this plugs right into free trade and recognizes what Canada can do, what Ontario can do on that international market. It gives us a better opportunity to compete internationally.

This is all about investment and it's all about job creation. I congratulate the member for Etobicoke North and also the Attorney General for bringing this bill forward so that we in Ontario will really be able to move into the 21st century of commerce and investment.

I now introduce the member for Durham, John O'Toole, to continue the debate and complete our segment of this debate.

**The Deputy Speaker:** The Chair recognizes the member for Durham.

**Mr John O'Toole (Durham):** Thank you, Speaker. It's good to see you in the chair. Perhaps I will catch you later this afternoon.

The member for Northumberland has left little to be said. He has made the argument unquestionably, in my mind, for the need for Bill 88. So although there are 16 minutes left, I have some points that I do want to get on the record. For my constituents in the riding of Durham, it's very important.

I'm going to start by just reading the preamble to Bill 88. This is always a good place to start for some clarification, especially for the people watching this afternoon. I'm speaking directly to you.

"The bill removes barriers to the legally effective use of electronic communications by governments and by the private sector. It is not intended to require the use of particular technology or to have a large impact on the methods that people use to communicate." So there are no requirements here. This is a law of empowerment, if you will. "It does not require anyone to use, provide or accept information in electronic form." It's purely allowing commerce to continue to remove the barriers, as we've always said, in much of our communication.

It's important to put this in not just an Ontario context but in a Canadian context and indeed an international context. As you would probably know, Mr Speaker, and I know the opposition will agree with this, and the third party will agree as well because there are so few of them here, Ontario usually leads the way—that's important,



and I see the members on the other side nodding—especially since 1995.

"The bill is based on the Uniform Electronic Commerce Act which the Uniform Law Conference of Canada adopted in 1999"

I might say the member for Etobicoke North led even them, led the federal government. Mr Hastings has been talking about this incessantly—well, not incessantly, but a for a long time—and he has brought it forward.

**Mrs Tina R. Molinari (Thornhill):** Passionately.

**Mr O'Toole:** "Passionately"; that's the more correct word.

It is "consistent in principle with the United Nations Model Law on Electronic Commerce." So there it is. You sort of say, "We're trying to find international harmony and agreement in the world of commerce." We've all talked e-commerce, B2B and all these fancy jargon words, but what it really means is allowing business to take place.

I think the member for Northumberland went to some extent to make the point, but I'm going to go overboard a little bit. I try to relate most legislation to how it affects my constituents in the riding of Durham. I think immediately of consulting—

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** How does it affect the people in your riding?

**Mr O'Toole:** The people in my riding, exactly. The member for Bramalea-Gore-Malton-Springdale is always supportive.

Anshel Associates—Arnold Bark is an engineer. He's a consultant who works from his home. He probably does more of his business in the e-environment, in the e-world, than many people in this Legislature, some of whom are still having difficulty with a rotary phone. Kim Beatty is from Beatty Inc; Ron Collis—now there's another gentleman—is from Collis and Reed Research. These are people who are very technical. He's a mathematician, I believe. He actually leads the Clarington Business Group, which is a small group of home entrepreneurs who meet—in fact, I believe it's tomorrow morning—at Silk's Café for breakfast, where they talk about current business. I'm going to provide them with a copy of Bill 88. Ron Collis, who has a Web site and communicates with their membership, will make sure the members know what changes this government is making to help small business. Adrian Foster is another very computer-literate financial adviser, from Foster Financial; Walter Gibson, who's a well-known, I might say, international consultant with Gibson Associates, certainly would be using e-commerce for contract information and perhaps even bidding on contracts as far away as Australia. I looked in my notes here, and Australia is one of the countries that have adopted this model UN format. Victoria Greene is with the Clarington Board of Trade.

All of the people I've mentioned, I could say with some assurance, will be happy with this Bill 88 and the enhancement of the electronic business opportunities in Ontario. I just want to make sure I don't miss anyone,

because my constituents mean more to me than they mean to other people. Jim Schell, for instance, from Blue Circle Cement, who is also a Clarington councillor, is eminently familiar with business and is well respected in the community as a publicly elected person. I might say for the record that the company he works for, Blue Circle Cement, is an international company. Imagine, without the provisions in e-commerce, their inability to do business throughout the world. John Wells, from John Wells Associates—I know his son is a designer and developer of software and Web site technologies.

I always like to go to the bill, which I have already started, but there are lots of sections in here which I think some members should pay attention to. The one that is very important is the whole issue of providing a sense that there is security in this process. I have some notes on that and I'll be finding them shortly, with your indulgence, Mr Speaker. I think it's important to get it right. Jane Stewart, the HRDC minister in Ottawa, would be well familiar with this issue.

**Mr Gill:** She's called the boondoggle minister.

**Mr O'Toole:** She's the boondoggle minister from Ottawa, but that's forgiven; that's overlooked. She was also chastised just recently by the privacy commissioner federally that there was some building of a sort of database on individual Canadians.

What I like is accountability. That's what this bill is about, I guess: trying to be accountable. I'm going to read the provisions of privacy. Individual privacy and security of information is paramount. These are Minister Flaherty's own words, you might say:

"The government's proposed e-commerce bill incorporates a number of provisions that reflect consultations with the Information and Privacy Commissioner."

**1620**

So there you have it. It conforms with the Privacy Commissioner. As you know, her report was just issued within the last week or so, and I read in that report that she was scrutinizing this whole smart card, e-commerce technology. In fact, she wasn't very supportive of it at all in her annual report, if you've read it, which I'm sure you have, Mr Speaker.

For example, the bill does not—I stress the words "does not"—permit people to collect biometric information—that would be fingerprints and scanning and iris identification, that sort of technology; it doesn't permit that—or dynamic signatures or voice recognition or information about individuals without their known consent.

Some of that should be repeated. Privacy is paramount to this whole e-commerce world.

I would say this: It's really too bad that Mike Harris isn't the Prime Minister of Canada. I may be changing the subject somewhat here, but what I mean is, he has the courage to move forward for the right reasons. What's really missing here is a national image, a national set of standards so that we can get on with it and Canada can be a leader. That's really paramount here. Canada needs to take a far richer role.

I'm not talking directly about Bill 88 here. What I'm talking about is the whole smart card technology piece—fighting some of the constitutional issues and those issues of individual rights and freedoms and resolving those issues before provinces individually—Ontario leading the way, I might say, on the smart technology. For instance, in health care it's important so that people in Vancouver or Toronto or Montreal or Saint John or Halifax, where my son lives, could have patient information systems available. They could have the transparency of provincial billing and billing numbers, and perhaps assist in such things as organ donations and transfer of patient information, which may help save lives. This seems to me to be another area that needs leadership. It needs strong leadership from the federal government, which seems to be missing in most things that I see.

"The Ontario government realizes that the implementation of new technologies creates some risks for privacy. The government is working to ensure that the privacy and the protection of individual freedoms and rights is maintained." So there's very strong language in Bill 88 to ensure and protect.

The federal law also safeguards personal information used in e-business.

Exclusions: I found this quite interesting when I was going through, because in the few remaining moments—unfortunately, the member for Northumberland took a little more than his fair share, but that's fine. I overlook it. There's nothing wrong with that.

I will tell a small anecdote. I recall, three or four municipal elections ago in the town of Newcastle then—now it's the municipality of Clarington; that's a story for another day—there was a person who submitted his nomination papers by fax. Imagine that. It just turned out, because of timing, the individual—and I might say for the record it was a person who was mayor; John Winters was his name, a very well respected business person who filed by fax. He was on business and happened to be in Florida, left himself short and filed his nomination papers by fax. Guess what? They weren't accepted. That's a small story.

E-commerce some 10 years ago, I guess, was being challenged back then. Finally, this government has done the right thing. We've come forward, we've changed the laws, we've made it permissible.

The proposed Electronic Commerce Act does not apply to wills, personal power of attorney, and most negotiable instruments—for example, a cheque—most land transfers or election documents. There we have it: election documents. These documents are excluded because they require more detailed rules or more safeguards for their users than can be established by a general statute, which is what Bill 88 is. This is general; you ought to try reading it.

Other jurisdictions, for instance, that have adopted this—it's the uniform law here, the model law of the United Nations. The Uniform Law Conference of Canada, a federal-provincial-territorial legal body, adopted the Uniform Electronic Commerce Act, as I said

earlier, in 1999. The uniform act is based on the specifications set out in the United Nations Model Law on Electronic Commerce. So certainly there has been some deliberation on the issue of how it applies nationally and internationally.

Ontario's proposed e-commerce bill is consistent with these widely accepted international standards. You'd be interested in knowing that the model law has also included the United States, Australia—I might add that I have a daughter living in Australia, just north of Ayers Rock; I'd say hello to her, but there's no television there—Singapore, Hong Kong, Ireland, India, Argentina and Columbia. So it is internationally accepted, and Ontario is leading the way. I believe I heard the minister in his remarks say that Saskatchewan and maybe Alberta were the other provinces that have taken this giant step. Perhaps Ontario, as usual, leads the way in many things.

I want to pay some respect for a few minutes to the member for Etobicoke North. He has a futuristic way of looking at things. I would say all members here could learn from him. Two or three things he has initiated under private members' business have certainly been visionary and I believe impressive. I thank him. I know he did work with the Attorney General and they just weren't able to coordinate the exact language, so when his bill was introduced it wasn't quite at the state—he probably didn't have the resources of the Attorney General at his disposal.

The member for Northumberland should most certainly be acknowledged, and certainly our Attorney General, the Honourable Jim Flaherty, who by the way is the member from the Whitby-Ajax area. I have a lot of respect for him. He has brought this in. It was introduced on June 13 and here we are today. Hopefully it will be passed and become law before this session is done.

I'm looking forward to comments from the other side, hopefully supportive and instructive, to say the least. Let's get on with doing business. With that, there may be other members here, if they had anything to say—Mr Gill, did you want to add?

**Mr Gill:** No, you're doing quite well, thank you.

**Mr O'Toole:** You're quite happy with it? It would appear that on this side it's unanimous. We're prepared to move ahead.

**The Deputy Speaker:** Comments and questions?

**Mr Michael Bryant (St Paul's):** We support this bill. We have a number of questions that we wish to raise, but none the less I want to discuss the importance of certainty in commerce through certainty in law.

I appreciated the comments by the member for Northumberland with respect to recognizing the legislative history of this particular bill. I had a moment of astonishment when I heard from the member for Durham that he hopes or wishes that the Premier of Ontario were the Prime Minister because then we could get some national blueprint or leadership on this, when in fact that's exactly what we have here. We have a federal bill which has set out the guidelines in which other provinces may opt into the new e-commerce law system. The



member should talk to his colleague in the row in front of him so he can discover, apparently for the first time, that we already have a national vision, which other provinces are entering into. We are entering into it here in Ontario, whether it's early or late or on time. We're here; we're debating the bill now. I detected more than a few comments from the other side with respect to the emphasis on federal-provincial squabbling. We'll have more to say on that when we respond in kind.

Yes, we support the bill. Let's get on with getting this bill passed. We have a number of privacy concerns, which I know the member for Toronto Centre-Rosedale is going to discuss at some length, and we look forward to that debate.

1630

**Ms Shelley Martel (Nickel Belt):** I appreciate the opportunity to respond to some of the comments that were made by government members about Bill 88. I notice that the focus by most of the members was on how this bill was going to create more investment, increased investment and job creation in the province etc. There was lot of to-do about how this was going to make it so much easier for business to do business in this province and internationally.

That is a laudable goal and it's certainly an important principle of the bill. But I have to say that I hope, through the course of debate and public hearings on this bill, soon the rights of individuals and citizens to have guaranteed access to documents in paper form will be as important as what appears to be the government's preoccupation with easing the ability of business to do business.

I say that because it's clear that section 2 of Bill 88 ensures that the provincial government is bound by the new act. Being bound by the new act certainly shifts people's concerns with respect to how they will be able to continue to get access to government documents, government information. Will people in different parts of the province, by virtue of the fact that they may not be hooked up to the Internet, be discriminated against, have their access impeded, have their access diminished etc? What I don't want to see is this bill being used by the government in some way, shape or form to create a loophole for itself or its agencies, boards and commissions to actually evade its responsibilities to continue to provide information to citizens in paper form.

I say that because if you look at the recent report by the privacy commissioner, she was very critical of this government's giving information to citizens. She was very critical of the government fees for FOI requests. She was very critical that the government does not provide two hours of free search etc. So I don't want to see the government use this bill to somehow impede people's access to information.

**Mr Gill:** It is a pleasure to rise and take part in this discussion. It is a very important discussion because e-commerce is here to stay. It is here to stay whether a lot of people like the Internet or not. I know there are things that still need to be addressed in terms of a lot of unwanted Web sites where children are accessing some

areas they shouldn't be. Even in the public libraries—I know that's a discussion for another day—kids can access some information which they should not access.

The Minister of Consumer and Commercial Relations is currently reviewing the issues of privacy and security of information-gathering electronically. I know there are a lot of people even using ATMs, and when they use ATMs they will utilize the machine for every purpose but to deposit cash money. So I think there is some paranoia still out there and I am sure, as we make laws, as Mr Flaherty goes about making sure the laws of Ontario are as good as or better than anywhere in the world, they will make sure none of the concerns are outstanding and that the safety factors are built in.

It is indeed a pleasure and a lot of good members—in fact, the member for Etobicoke North has spearheaded this. He brought in a private member's bill and, based on that, Mr Flaherty introduced the legislation. As I said earlier, the time has come where we start interacting as the world does business. As you know, 80% of e-commerce is business-to-business transactions. I am looking forward to the quick passage of this bill.

**Mr John Gerretsen (Kingston and the Islands):** I too would like to add my few words in the couple of minutes I have just to reiterate what my colleague on this side of the House has already said, that we will be supporting this bill. It leads one to question, though, why it has taken the government so long to bring in this kind of a bill. E-commerce has been around for at least the last five to 10 years now, and it's kind of interesting that provinces such as Saskatchewan, I understand, in effect had a bill of this nature as long as three or four years ago. Since this government always likes to pride itself on the fact that we indeed are the commercial centre of this country, as we know we are, I ask myself, why were we not the leaders in this regard, in getting this kind of legislation enacted, and why did we leave it to provinces like Saskatchewan to come up with this kind of legislation some two or three years ago?

We're all concerned about the privacy issues. You may recall, Mr Speaker, that we had a bill just last week, one of the education bills, in which school boards can now in effect get personal information on students of a nature that they never had the ability to get before. I think people in general are very concerned about how their privacy can be protected with the mass of information technology that's out there these days.

So we will have some questions to ask about this bill. We will also want to get some assurances from the government that constructive amendments proposed by any member in the House will be accepted by the government, and we hope that we in Ontario will once again become the leaders in this area rather than the followers.

**The Acting Speaker (Mr Michael A. Brown):** Response?

**Mr Hastings:** First I'd like to set the record straight. On the point about Saskatchewan, they introduced their e-commerce bill on December 10, 1999, not four years

ago. We introduced our private member's bill on April 28, I believe. So there's not a point that we're followers here, and there was a whole set of other items on the legislative agenda. As well, e-commerce has only been around for about six years, actually, when you look at the advance of the Internet.

With respect to privacy concerns, if you look to subsection 27(2) of the act, it clearly sets out and requires, at the request of the privacy commissioner, that public bodies must keep paper originals as long as they would like to have them in existing law. It's a complementary bill.

The member for Nickel Belt brings up the point about the mythology of the digital divide, which is one of the preoccupations of President Clinton. In point of fact in this country, to give some credit to the federal government, they were one of the first to probably get the country interconnected by the Internet by telecommunications. We do not really have a digital divide in this country, with the exception that I believe when I introduced my private member's bill, the classroom technology tax credit act, in 1998, the former member for Algoma objected to the introduction of the bill. He considered it and had it referred to the Speaker because it was potentially a tax bill that we were introducing, and the Speaker ruled in our favour.

There was another attempt at that time to remedy the so-called digital divide that the member for Nickel Belt is concerned about. In addition to that, I can provide some specific assurances. All the members opposite have to do is go to their public libraries and a number of their schools—not all schools but a large number of schools in Ontario today have Internet connections. The whole point here isn't about obsession with the technology. The key here is access to information. The technology is simply a means of allowing our children or adults to gain windows into—

**The Acting Speaker:** Thank you. Further debate?

**Mr Bryant:** I rise today to speak on behalf of the official opposition on this bill. We support the bill. In many ways this bill is, of course, a catching up to the market. In particular, what it's doing is trying to align existing laws with the way people are doing business, the way people are engaging in commerce. It has to be more true now than ever that certainty in commerce requires a measure of certainty coming from legislation. That's what we do here. We are legislators. Notwithstanding all the cries about the virtues of the free market and the virtues of cutting red tape, we are here to pass legislation to provide some certainty with respect to commerce.

E-commerce, electronic commerce, which has been ably described by the members opposite, is like every other kind of commerce where there's an agreement, the chief difference being the means and not so much the ends. For most agreements that took place in commerce, say 25 years ago, those agreements would typically involve an oral or written offer and an oral or written acceptance for there to be an agreement. There are a number of other requisites—there needs to be some con-

sideration that passes between the parties—but at the end of the day, what makes the agreement an agreement is a meeting of the minds. The two people engaging in the commercial transaction agree on what is expected, what the expectations are, and they need some support from the common law, from statutory law, such that they know that will be enforceable.

**1640**

The free market itself is not a jungle, strictly speaking. It's not a jungle in any sense of the word when it comes to commerce, because people have to be able to turn to the courts and to legislation in order to get some certainty with respect to their commerce so they know that if there is an offer and an acceptance and an agreement, and there is a meeting of the minds, that if one of the parties decides to opt out or there is any uncertainty about what the agreement was, they will have the support of legislation or case law.

Case law has been developing; the jurisprudence has been developing in the area of e-commerce for some time. To a large degree this legislation is responding not only to that but to international efforts to try to gain some certainty with respect to electronic commerce. That has resulted in the uniform practices, which I will speak of in a moment and which have been referred to already, that all nations are trying to comport to and that all provinces hopefully will also comport to with respect to the national legislation that has been passed by Ottawa this year.

With respect to a meeting of the minds, the reason this legislation is important is because there is some confusion as to whether there truly is a meeting of the minds right now when two or more parties are engaging in an electronic commercial transaction. We have already discussed in this House, a few weeks ago I guess, the private member's bill of Mr Hastings, the member for Etobicoke North. At that time, we raised some of these issues and the need for this legislation. Mr Hastings has been duly congratulated and given the credit he deserves for bringing forth this legislation in private members' business, and we now have a government bill. We will turn many of the questions we had with respect to that bill, which we supported, to the government bill.

If you are on the Internet right now and you click the box that says "I agree" or otherwise click a box that suggests you have engaged in the transaction, the question is how you enforce that. Right now, under the existing legislation, there is a vacuum, because many bills refer to paper or oral agreements, and this is neither. There has been an effort for some time in the courts for parties to take the square peg and put it in the round hole of the existing legislation and say that these are akin to written agreements, and of course they are. If you print the electronic transaction, it becomes a written agreement. But for all of us who have any questions or uncertainty with respect to those commercial transactions, it is important, as with all our laws' supervision of commercial agreements, that we have certainty not only in terms of analogous arguments but just as importantly, if



not more importantly, that we have some certainty in our laws that those engaging in e-commerce in or outside Ontario involving a party from Ontario can have some comfort, can turn to legislation at the federal and provincial levels and know what an agreement means, so that people understand precisely what the meeting of the minds is when that e-commerce transaction takes place. We know what it means to click on "I agree," and is that good enough and for how long is it good enough? How is it enforceable, and what needs to precede it? That's what this bill is trying to address, I hope, and that's why we support the bill in principle.

E-commerce is certainly about to threaten, if not overtake, paper transactions in terms of the amount of commercial activity; \$1.3 trillion in e-commerce is expected to be conducted by the year 2003. It's because of that explosion of a relatively unregulated market that, first, the federal government and now the provincial governments in due course are responding to international efforts and responding to the reality of this billions of dollars, and soon trillions of dollars, that are being spent through commercial activity that, by and large, is unregulated by legislation until laws such as this are passed.

We've heard also that Saskatchewan led the way provincially. There is some discussion as to whether Saskatchewan or Ontario is the leader, or maybe Quebec is the leader because Quebec has had legislation similar to the federal legislation that has been on the books for some time. Who should get credit for that? I frankly don't think it's terribly relevant and I don't think it's of much concern to the people of Ontario who got there first. I know that there is some concern that e-commerce is an unregulated market and that it is important for the government to do something about that. That requires legislation, that requires the government to act as the government—not as plumbers but as government—to set forth legislation that deals with, in this case, an unregulated commercial market.

That said, historically, chronologically, there was some suggestion at some point during some of the speeches that have been heard in this House today from the government side of the House that this legislation was pioneering. Again, I don't think it's terribly relevant, but let's understand the context in which this takes place. Bill C-6, the Personal Information Protection and Electronic Documents Act, received royal assent on April 13, 2000. The full effect of its privacy positions will go into effect on January 1, 2001, and there is a time period in which the act will apply in full force, depending on whether or not the province has in fact legislated on point and depending on the timing of it all.

The point of the national legislation was to create a level playing field for businesses, predictable rules for everybody. That's the certainty in commerce that I was discussing before, and just as we applaud the provincial government for coming forth with legislation, so do we applaud the federal government for filling in that legislative lacuna.

As with the provincial legislation, the federal legislation—it was all the same issues. A lot of the old legislation, as it now is, refers to agreements being in writing, being certified or being signed. It is like the rules used to be decades ago and, with greater relevancy, a century ago with the importance of having a seal on an agreement, a seal on a contract. Well, no longer is the need for a seal on a written contract, some courts have said, deemed to be mandatory. Similarly, does it make sense in the year 2000 that all agreements be in writing? Of course, the answer is no; not only that, they aren't. So we are catching up to the market in that sense.

So the point of the national legislation, as with provincial legislation, is to provide a way to adjust the current laws, provincial and federal, so that there is an electronic alternative which brings with it the certainty that is provided by this legislation. Or relative certainty; as everybody here knows very well, legislators who have served far longer than I have, there is no science to the law, there is no science to legislation. We do our best to comport and ensure that in fact we understand precisely what the law is, but there will always be arguments to be made on either side with respect to an agreement. So this legislation will not provide the watertight security that maybe some would desire, but it at least provides the same security so that you have at least as much protection with respect to electronic commerce as you have at present with respect to oral agreements and written agreements.

#### 1650

The point also with the federal legislation was to encourage some kind of harmony between the federal and provincial privacy protection laws. "Harmony" and federal and provincial, at least when it comes to Ontario and the federal government, I don't think would be the operative word. We have not had harmony for some time. I, for one, believe that there are no angels in this respect. That said, I would be remiss if I did not respond to the suggestions by the members opposite that somehow the federal government is to blame in toto, in its entirety, for the current situation of an unregulated market. With all due respect, I think this government needs to accept the fact that it is the government, not the plumbers. They say they're not the government, they came here to fix the government. Well, this is a moment in which they're acting like a government and filling in a legislative gap that's needed. Engaging in the rhetoric of fed-bashing, ever popular in many parts of this country, I don't think is part of this province's tradition. It's a sad chapter in federal-provincial relations in this province.

On the coming into force of the national legislation, it will first apply to the federally regulated private sector, including banking, inter-provincial transportation etc. That's how it will work. At some point, it will supersede the provincial laws in the event that the provinces do not legislate on point. Of course, we are here today. Three years after the federal legislation comes into force, that law, the federal law, will apply more broadly to all personal information collected otherwise, unless a similar

bill is passed in the province. It's in this context that this takes place.

I say to the members opposite who would suggest that this legislation is pioneering legislation that they are ignoring the fact that a tremendous amount of work went into the federal legislation, which combined both e-commerce and privacy issues at once, in one bill, and the thinking was—and the call-out came from Ottawa—that the provinces then need to fill in that gap.

I'm going to conclude my remarks with some reference to this interesting description in the compendium to this bill. I heard it in the Attorney General's speech. He said that this bill will "reduce red tape and legal uncertainty in the adoption of modern, efficient communications." Reduce red tape and legal uncertainty. We heard about the benefits of the Common Sense Revolution from the government members and you know that we on this side of the House take issue with the rooster taking credit for the sun rising and would suggest that in fact the "booming economy" the Attorney General referred to in his leadoff speech owes as much to efforts by Alan Greenspan and Paul Martin as it does to the Common Sense Revolution. Be that as it may, I also recognize that people in Ontario are going to give the sitting government of the day credit for, in the words of the Attorney General, a "booming economy." But there are costs to that, and it would be wrong if we passed this debate without discussing the costs of the Common Sense Revolution. We hear about the benefits; what about the costs?

We all know that politically, red tape has become a hot potato. We don't hear as much from the government about red tape, so I was surprised to see it in the compendium—proudly reducing red tape. We know what happened when we reduced red tape through the Ministry of the Environment. We know what happened. We know what the costs were. Thousands are sick, people of Ontario have lost their confidence in their drinking water and at least 14 people have died as a result of this—although we're going to find out what the numbers are through the inquiry.

The suggestion that you can reduce red tape and legal uncertainty with respect to this act is a non sequitur. It just does not follow. The whole point is to provide some legal protections here, to provide that legal certainty. This government still has its wagon hitched to the language of Gingrich and Thatcher, and it will soon learn that the people of Ontario look to governments to govern, not to act as plumbers, because we see what happens when they do that. We've seen the benefits and now we're seeing the costs of the Common Sense Revolution.

We support the fact that this government has passed legislation that comports with the Uniform Law Conference of Canada, that comports with the federal legislation that has already been passed and received royal assent on April 13, 2000. We look forward to getting answers to a number of concerns about privacy issues that I know the member for Toronto Centre-Rosedale has raised before in this House and will no doubt raise again.

**Mr George Smitherman (Toronto Centre-Rosedale):** It's a pleasure to join in this debate and add to the remarks of my colleague the member for St Paul's on this issue. He brings to this issue, obviously, the background of a learned lawyer, and the counsel to the government is wise indeed.

The technological evolution that is going on is one that is fuelling much new growth in many parts of our province. In my own riding of Toronto Centre-Rosedale I've had the opportunity in the last few weeks to visit just a couple of companies that are great beneficiaries of this electronic evolution, or revolution. Flow Network is a company that has in very recent time gone through an extraordinary expansion of their business. They're a great success story, because the service they provide from their lovely converted warehouse building on King Street is provided almost exclusively to a client base in the United States. They are a great success story on so many fronts. Their energy and enthusiasm, the vibe that one feels when entering their offices is an incredible one. Our responsibility as legislators is to do all we can to ensure that companies like Flow Network have a chance to continue to expand.

Similarly, I had an opportunity to attend the opening of a new office building, a converted office building, on Adelaide Street that is home to UUNET, an MCI WorldCom company, here again a company that is hiring many new people, fine young graduates, and giving them an opportunity to work in an exciting and fast-paced environment. They are contributing in an extraordinary way to the growth in my own riding of Toronto Centre-Rosedale. We hear, in the Toronto region, a lot about extraordinary growth in the GTA, with specific reference to the 905, but in my own riding of Toronto Centre-Rosedale we've got an extraordinary re-use going on of office buildings, heritage buildings that are being renovated and taken up in large measure by companies that are at the forefront of this electronic commerce revolution. It's with that in mind that I stand and comment on this.

I want to pick up a little bit on what my colleague the member for St Paul's was saying with respect to the issue of red tape. The government, in its press release with respect to the Electronic Commerce Act, goes to some measure to say that the bill would cut red tape and remove outdated legal barriers to e-commerce. In point of fact, I believe the bill intends to provide a regulatory framework, which one could argue is red tape, but in its haste to slap this red-tape moniker on everything the government makes an unfortunate mistake: It fails to distinguish those things which may be burdens to business and those rules which serve as clarity.

I know the member for St Paul's commented on this point, and I believe it's worth mentioning. The government cannot resist opportunities to use the words "red tape," because it is red meat that fuels them opposite.

I would just say as a reminder to the government that when you use the phrase "red tape," to many people, to many of the citizens in the province of Ontario, we're really talking about adequate protections for our citizens.



1700

I would like on that point to repeat the comment of my colleague who led off, which is to say that our party will support this bill. We'll support this bill as far as it goes, but in a similar debate not that long ago in response to the private member's bill by the member from Etobicoke North—very similar, in fact, to the bill before this House today—we made the point rather clearly, I believe, that there is an absence of adequate protections with respect to privacy.

We know that in the United States election right now and in the House of Commons in recent weeks, this whole issue of adequate protections and privacy has been raised. These are issues which are tracking, spiking up in the polls, and yet the government opposite, in its wisdom, has decided to bring forward a bill which does the piece which provides a more sure operating basis for business, and we support that, but it fails to do the part with respect to the adequate protections required from the standpoint of privacy.

I note in the government's own propaganda, the government of Ontario press release, they say that a federal law also provides safeguards for personal information used in e-business. It's interesting that the government opposite, which uses every opportunity it can to bash the federal government, is forced in its own press release to make reference to the bill in the federal House, Bill C-6, which is a far superior piece of work to what is before us.

What we really, as opposition members, have a responsibility to do is to remind the government opposite that they have a responsibility to bring forward adequate protections with respect to the privacy of our citizens. On that issue, we should be very clear. The government, with respect to the protection of privacy, has failed one very dramatic test already. We know that personal information pertaining to 50,000 accounts of clients of the Province of Ontario Savings Office—as my colleague the member from Renfrew-Nipissing-Pembroke has highlighted, this government not only failed to protect the privacy of its individual clients in this case, it went out of its way to release that information to public entities and to allow sophisticated telephone marketing to take place around that. We cannot highlight enough the need to ensure more adequate protections than are currently in there.

Maybe we could more adequately call this bill “the taking care of business, but doing nothing to protect the privacy of individuals” bill. I think that speaks rather well to the motivation of the government opposite. They seem motivated to take care of business for the business community, to provide the necessary framework from which to operate, but do nothing related to the need to more adequately protect people's privacy.

That's a key contribution we would like to make to this debate. We raised it just a few weeks ago in the debate during private members' hour on the bill by the member from Etobicoke North and we do so again today. This follows very closely on that bill, and at the time we stood in this House and said, “Interesting, isn't it, that on an issue as dramatic as this one, on an issue so important

to the future of the Ontario economy, the government of Ontario, with all its resources, is relying upon a private member, a government backbencher, to introduce legislation?” Still, months later, we have legislation introduced into this House which does only one piece of the work.

Our party's view is that this bill requires a very careful clause-by-clause review. We need to begin to take a look at the specific technical issues that are addressed. We know from the experience in the province of Saskatchewan, which has been out front of Ontario on this issue, that they moved in a way where they didn't get some of the technical details right. They were forced to reintroduce a bill that mimicked, but had some changes to, a previous piece of legislation. It is somewhat reminiscent of this government's attempts to deal with property tax reform in Ontario, where bill after bill after bill has been introduced—eight in total, I think—in an attempt to try and correct the problems, omissions and errors that were highlighted in the early one.

With all of that in mind, with the increasing importance and reliance on technology and the inherent risks in that with respect to the protection of personal information, the government has an obligation to do two things: to introduce companion legislation to this bill that offers more adequate privacy protection for taxpayers and citizens alike; but also the government has a responsibility at the very same time to ensure that the office of the privacy commissioner is enhanced and that the role she plays in ensuring the protection of individuals' information is given a much stronger backbone. We have evidence from across the floor that the government has acted irresponsibly in terms of protecting people's personal information, but also, as this continues to evolve, the capacity for information-gathering techniques, for all-in-one files, as we've seen with the issue in the federal House—these are protections that Ontario citizens absolutely require.

We want to see some commitment from the government that the requirements relating to privacy and confidentiality, contained as an example in the federal government's Bill C-6, are met. Again, we want to ensure that there is nothing, no initiative of this government, that would in any way restrict the powers of the Information and Privacy Commissioner. In fact it's our belief that that role, again, given the increasing importance of technology, ought to be improved.

We know the government has promised a resolution in this House before the end of the sitting that I believe would call for a review of the privacy and information act over the summer in standing committee. I would repeat that we think it's even more important that we move forward in such a way and to enhance the role of the privacy and information act.

The government would seem to be lacking in vision. They've gone and done the simple piece, which is the piece that the lawyers were able to work out, but they haven't done the piece that's really fundamentally important to average Ontarians across the breadth of our

province. I would say that the government should be condemned for the absence of that. We would have preferred to see a more complete package that moves forward.

In closing, our comments are offered as an incentive to the government to do the rest of the job. This is good as far as it goes, and we support it, but we have a responsibility as legislators to protect the citizens of Ontario and the privacy of the information they supply and are required to supply. There is ample evidence that the government opposite has, at least in one case, been rather wanton in their aggressive tactics to distribute that information with the potential to privatize a Province of Ontario Savings Office. With that in mind, we look forward to the government moving on and offering enhanced privacy protection for the citizens of Ontario.

1710

**Mr Bruce Crozier (Essex):** I too welcome the opportunity to make a few comments with regard to Bill 88, because the Internet, and access to the Internet and use of the Internet, certainly is a buzzword these days and one that should be dealt with by the government. We should enact those controls, regulations and safeguards that we all need.

I would like to speak to this bill in several areas. As far as some opening comments, we speak of access to the Internet. Certainly in those areas of the province where telephone and cable access are readily available, I'm sure many, if not most, of the households have access to the Internet. But we must realize too that there are vast areas of the province that have no cable access to the Internet, may not have any short-wave or microwave or radio connection to the Internet and certainly don't have it by way of telephone, because they're on party lines. I think one of the objectives of the government of the day should be to work toward having access availability for everyone in the province, and I think mainly in the area of education, because not only is e-commerce important on the Internet, but the educational value of the Internet should not be overlooked. Access for all is something that we should strive for.

While doing that and in order to protect those who do use the Internet, we have to keep in mind what it's used for. I think many of us think of the Internet as the availability of information. I think a lot of time is spent surfing the Internet for information and entertainment. Only a few years ago I didn't have access to the Internet, nor was I particularly interested in it, but I felt that to encourage myself to keep up to the latest technology, I had best get myself a laptop and get on the Internet. Now the problem is that it has almost become attached to me, and it seems like I can't get away from the Internet. Its informational value is certainly one that all of us recognize.

I thought about it today, and I haven't yet used the Internet for commerce. I've not conducted any legal business over the Internet. I haven't purchased anything over the Internet yet. I haven't given out any confidential information with regard to banking or credit card information over the Internet.

I might say on the lighter side, since we have the television medium today that we communicate through, if there's someone out there with a nice white, 1958 MGA with red interior that they want to sell, why they can certainly get hold of me. It might be the first Internet transaction that I conduct of a legal nature, but that goes back somewhat to my youth that I want to return to.

I certainly use the Internet a lot for e-mail. In fact, some of us here in the Legislature may suggest that the Internet is abused when it comes to e-mail. This afternoon just for interest I looked at my e-mail that I've deleted over the last month and a half, and I have about 1,300 e-mail messages that I have received and either acted on or have dismissed as something that I'm not particularly interested in.

But I want to direct the point of my remarks toward privacy and confidentiality. Practically every day we can read or hear in the media of abuses of the Internet and abuses of confidentiality and privacy. It would seem that the number of hackers, those who can access private, confidential, restricted, highly sensitive information, not withstanding the safeguards that have been built into the system, is growing all the time. It almost seems to be a challenge to be able to get to someone's private, confidential information. That is most important, and I'm not so sure this bill goes far enough to address that. I would suggest that after second reading the justice committee it will go before take very careful consideration of whether this bill goes far enough to protect the confidentiality and privacy of information that all of us might have on our computers or might be tempted to use our computers to transmit.

The example was given by a colleague of the provincial savings office, where citizens thought their information was confidential, and it isn't. That, we think, was a manual misuse of the information in that it was simply given out. We can't let that happen when it comes to the information that may be on our computers and in our files. I caution people, the residents of the province of Ontario, that when you're using the Internet, notwithstanding any piece of legislation, the bottom line is that you have to have confidence in the system you're using, that the information you choose to put on that system and you choose to send out is kept in the greatest of confidentiality.

I know the government has talked with the privacy commissioner and had meetings with regard to this, but I think they're going to have to go over it a second or a third or a fourth time, to make absolutely sure that every step has been taken that's humanly possible to protect our private and confidential information. After all, that's the one thing we hold most dearly.

I used the example of the Province of Ontario Savings Office that the Ministry of Finance chose to simply give out information to third parties as one example. But there could be health information. If for any reason whatsoever information is transmitted, whether it's to a provincial body like the Ministry of Health or whether it's financial information that's transmitted to the Ministry of Finance,



we have to be absolutely sure that's kept in the utmost confidentiality.

When it comes to e-commerce, as I said, I haven't conducted any yet; I don't know all of the pitfalls that might be involved. But we certainly have to have confidence in the system when we give out something as sacred as our credit card number. There has to be a way—and we're not so sure it's in this bill—that the receiver can be sure, first, that it's being used validly and by the person who should be able to use it; and second, that once having received that information, they're going to keep it in a very confidential manner.

Just recently, the United States Congress passed a bill with regard to e-commerce. In the debate on that bill and leading up to its passing, there was concern that consumers, many of whom still don't have e-mail, might unwittingly give up their right to get paper notices. In other words, they might receive some innocuous request with regard to private or confidential information or commercial information and they may not realize that in signing a document they're giving away the right to have that communicated to them on paper.

The administration in the United States therefore proposed that companies can begin sending contracts, documents and notices via e-mail, but they first must send a test to the customer, who would have to send back a confirmation that the file could be opened and read. In other words, it has to be made abundantly clear that from that point on, you're going to be dealing with confidential information via e-commerce. Lobbyists for the financial institutions called the provisions unnecessary and cumbersome, but finally gave in after high-tech companies endorsed the bill and the administration insisted that it be there.

Just in a regular door-to-door contract where someone selling something door-to-door, we have over the years learned that you have to give a cooling-off period, that people who buy something at the door have to understand absolutely what it is they're buying and what the terms of the contract are. We can do no less when it comes to e-commerce.

For anybody who's used a computer, who may have formulated a message, it's so easy to send it off by the touch by the touch of a button and after that say, "Oops, I shouldn't have done that." In fact, your e-mail even has the ability to recall a message. The only thing with that is, the message is out. It may have been read already, before it's recalled. So there are these technical intricacies that we have to make sure people are educated in and understand, because we don't want any mistakes that can't be undone, particularly when it comes to anything of a legal nature or anything of a financial nature. You don't want to find that you've approved something, the money has gone out of your account, the deal is done and you really didn't understand the consequences before you conducted that transaction. As I said, it can be just as easily done by the click of a button.

1720

I agree with what they have done in the United States, and that is that you have to have confirmation from the

receiver, from the other party, that you are in fact doing business by e-mail and that this is a different world you're operating in. I suppose any of us have signed contracts where we've had a lawyer across the desk from us. The lawyer can explain to us what the contract means, what the ramifications of that contract are, and you have an opportunity to sit back in your chair, read it and ask questions. With the speed at which we do business today and with the speed at which e-commerce can be conducted, we don't have that luxury of time, so you have to completely understand what you're doing.

When it comes to the committee dealing with this bill, they're going to have to be absolutely careful with every paragraph of the bill. Saskatchewan, as we know, passed a bill regarding e-commerce only very recently, and found themselves suddenly in the position where there had to be amendments made to it because it just wasn't complete. I know we can learn from Saskatchewan's experience and we can learn from the federal legislation in those areas of privacy and confidentiality, that we ought not make those kinds of mistakes. If we take appropriate time on this bill and scrutinize it in the right way, we will be able to make ourselves as comfortable as possible with it. As has been mentioned, we certainly support the intent of the bill, because we are moving into a different world.

I just add one small comment in closing: I certainly wish there was some way that gambling on the Internet could be controlled, because this is one area where the Internet needs regulation. I have no idea how it's done, because that's obviously something of a technical nature, but that's an instance where the Internet is used and where confidential financial information is used and can be abused.

**Mr James J. Bradley (St Catharines):** I'm going to start off where my colleague from Essex South—

**Mr Crozier:** Just Essex.

**Mr Bradley:** He's got all of Essex now. That's really a large portion of the province to cover, and a very beautiful part, I might add.

I'm going to start where he left off, because he mentioned a subject in which I have a good deal of interest. That is the subject of gambling, particularly government-sponsored gambling such as we see in Ontario, which is completely out of control, of course, as the government had a goal at one time of having video lottery terminals—the crack cocaine of gambling—in every bar and every restaurant in every village, town and city in Ontario. That was the goal, because the money would be rolling in.

**Mr Wayne Wettlaufer (Kitchener Centre):** That was the last government. That was four years ago.

**Mr Bradley:** That was the last government, the member for Kitchener points out; the last Harris government wanted that.

Gambling on the Internet, electronic gambling, is a challenge that governments have to meet, but this government has set the pace in terms of the expansion of gambling, that is, until it hit a brick wall today. For years

I have been advocating in this House a moratorium on the expansion of gambling opportunities in Ontario because, as we know, the gambling activities sponsored by the government, encouraged by the government and advertised by the government of Ontario, prey upon the most vulnerable people in our society, the most desperate people, people who aren't well connected so they can get the good jobs, or might not have the money for post-secondary education, or simply may not have the capability of acquiring some of the more lucrative jobs in our society. In desperation, some of those people turn to gambling. The more gambling opportunities you provide for those individuals, some of them addicted to the field of gambling, the worse it is.

I noticed this morning that the Chair of Management Board, the Honourable Chris Hodgson, was in full retreat. That seems to be the mode since the government has been severely damaged by the events surrounding water safety in Ontario. We had a retreat on Bill 74 on the part of the Minister of Education. She was waving the white flag on that. I'm not convinced the flag is waving as wildly as some people think, but there was a perception, at the very least, that there was a retreat there.

We see a retreat now on gambling, because we know this government wanted to have 44 new Mike Harris gambling halls. These were purveyed as charity casinos in this province. They got a lot of flak, I suspect even from some of their own backbenchers, but certainly from this side of the House, about establishing those, because they weren't tourist casinos. They were meant to prey upon the people in a specific area. The people weren't flying in from England or from the United States or other places for a tourist event. These were to prey on people who live in a specific area, take money that might be spent in more productive ways and fire it away on gambling.

Then we saw the expansion, and the minister said, "Oh, no, no; we're just having four of them, and all these rules are out there." Meanwhile, while they were closing the front door, they opened the back door and said, "Let's get those slot machines in the racetracks." Racetracks have encountered, partially because of the competition from casinos but also for other reasons, some financial difficulties. At least there's a sport there which is involved in racing. There's no sport in those mindless slot machines, no sport there at all, but there was in horse racing. In desperation, some of the owners of racetracks embraced slot machines simply because they were having financial difficulties. A part of those difficulties could have been solved if the province didn't have such a large take of the operation at these racetracks.

Now we have seen a full—I won't say a full retreat—a retreat for three years on the part of this government in the field of gambling. I guess, from time to time, those of us in opposition can feel vindicated in the tough stance we have taken on issues such as the safety of water, such as Bill 74, such as gambling in this province. I think irreparable damage has been done in some cases. I've not condemned only this government; I've condemned all

governments across this country, across North America, who are engaged in a gambling orgy, who are cutting taxes massively for the corporate sector, which now, as a percentage of all taxes paid, are at an all-time low while they're busy taxing people who are the most vulnerable and desperate and most addicted.

I'm concerned. I'm glad the member for Essex mentioned gambling on the Internet, because I think that is something, when we talk about electronic commerce, we'll want to try to control, because that is yet another opportunity for people who are addicted to get into that field.

I noticed, for one of the casinos, they had the kind of advertisement that in fact follows my logic. They have somebody who ties some bed sheets together and sneaks out the window and heads down to the casino while others are visiting in the house. That's often what happens. It's a person who sneaks out of the household, blows the cheque, maxes out the credit card, and the family is left in very desperate circumstances. Governments have aided and abetted this, in my view. Now they're even advertising. They're looking at that as a great opportunity.

When the member mentions the Internet, and when he mentions e-commerce, that's what it brings to mind, Mr Speaker, because I know you were wondering how this bit could possibly fit on this piece of legislation. That's why I wanted to draw it in.

1730

I have a feeling, nothing better than just a feeling, that there's going to be a bit of regret in this piece of legislation, not anything malicious on the part of the government in this case, but that we're going to find that people are going to use e-commerce in such a way as to bamboozle some people who may not be as familiar with electronic equipment and the modern ways of communicating as others. I certainly hope that all the safeguards are built into it. I'll be interested in the amendments that might come forward, I'll be interested in any hearings that we might have, the input we might have on this legislation. While it appears, on the surface at least, to be reasonable in an electronic age, I think the cautions that my colleague from Essex noted are important.

They have a situation in the USA where there must be confirmation from the other party that you are doing business by e-mail so that everything is on the table, everybody knows exactly what's happening. There may be some people who in fact choose not to engage in commerce by e-mail. I've heard of people who don't want to use the machines at the bank. We have banks where they have a machine set out there and you can use it, I guess. The only thing I can think of where it would be useful would be for making bail maybe at 2 o'clock in the morning or something. These machines are for the convenience of individuals, but there are people who like to actually communicate with a human being.

Now, the banks are quite happy, thank you, to have you using these machines, because that means that they can hire fewer staff. I prefer to deal on a personal basis



with individuals who are human beings, who have jobs. Certainly one could never accuse the banks of overpaying their employees, for instance, yet the ATMs and other electronic equipment they have available for us they encourage you to use. They tell you it's cheaper. They force the tellers to tell you that you should be using electronic equipment as opposed to dealing with the tellers. While that may help the bottom line of the banks, and heaven knows they've been struggling lately with their profit margins, it does mean that hundreds and eventually thousands of people lose their jobs as they keep closing branches. In fact they took the money machine out of this building, the Royal Bank. There was a machine downstairs from which one could obtain funds at the appropriate time, or deposit funds. It was very useful for people who work in the precinct. The Royal Bank yanked it out, I think, because they said there wasn't enough business in it or something of that nature. So they're even pulling out.

**Hon Janet Ecker (Minister of Education):** That's because they're very cost-effective people.

**Mr Bradley:** We are very cautious people in terms of finance around here, quite obviously. But with what I read in the paper today, perhaps there will be a need for those machines around this House. Anyway, I urge the Royal Bank to do that, Mr Cleghorn, who is the top person in the bank, the chairman of the Royal Bank, to reconsider and have that particular machine re-established in the House.

So I do have those cautions. I've no reason to say that this bill is evil, that there's any intention on the part of the government to be tricky with it, nothing like that. I just have a feeling that down the line you're going to have people out there who are going to try to manipulate the system in such a way as to fool those who may not be as familiar with electronic equipment and electronic ways of communicating in the present circumstances.

I'm worried about confidentiality. We saw the situation with POSO, the Province of Ontario Savings Office, and Ann Cavoukian, the commissioner in charge of freedom of information and privacy, complained, I think justifiably, about the lack of co-operation she was getting from the Harris government, which in 1997 had released to a bank and to a polling company information, including the names and addresses and telephone numbers and the amount of money that people had in the Province of Ontario Savings Office, which by the way is a good office. I know this government's itching to privatize it, just the way they're itching to privatize the sewer and water services in this province, just the way, if you read the internal documents coming out of cabinet now, they wanted municipalities to make sure they were going to get in the business of privatization. Because what would happen, you would know, Mr Speaker, is that the Fraser Institute, aided and abetted by certain Conservative members of caucus, would call in local municipal politicians to hear—I don't know the person's name; somebody maybe could help me out—Skip Crick or something like this, who used to be the deputy mayor of

Indianapolis. He's the guru of privatization. He's the guy who's there to put your local municipal workers out of work and replace them with profit-making private sector people delivering what we would consider to be essential government services.

Ann Cavoukian, as commissioner, cautioned us against that. I was outraged when I knew that some of my own constituents, in the St Catharines Province of Ontario Savings Office, were subject to the fact that the government was selling this private information. We have the Minister of Transportation making all kinds of information about drivers available to people around the province. Companies can get hold of that information and utilize it for commercial reasons. I don't think the government should be doing that. I remember there was a major kerfuffle in Ottawa when Bruce Phillips, appointed by Brian Mulroney as a commissioner on information and privacy at the federal level, issued a report saying this information is available from the federal government, a wide variety of information. I too expressed concern about this. Mike Duffy was on television talking to Ken Shaw. This was a major event. They weren't even using it for anything.

Meanwhile, here at Queen's Park, they were giving away the information from POSO and the Ministry of Transportation. I guess they just hadn't heard about it, but I did not see much about that until it was raised significantly in this House, particularly by my colleague the member from Renfrew, who raised it in a point of privilege or a point of order, one of the two, with the Speaker of the assembly, who in fact said there was a prima facie case of contempt of the Legislature on the part of the government.

So I hope that within this legislation there are the necessary safeguards against information being provided to people, information that all individuals wish to keep as private information, their own private business; that that information is not purveyed to commercial companies for whatever purpose. I know many of my colleagues have that same concern and want to see that kind of guarantee as we move into the area the federal and Saskatchewan government have already moved into.

**The Acting Speaker:** Questions or comments?

**Mr Gilles Bisson (Timmins-James Bay):** I guess my question is generally to the comments made by the member for St Catharines as regards the effects as we move down this road of new technology. Number one, I'd be interested to hear a little bit more about how he feels about how some people don't want to be served by technology. They don't want to deal with bank machines; they'd rather deal with an individual. As we go down this road, there's potential for even more technology being in your face rather than having actual people provide the services. I understand, for example, that in the insurance business in North America they're looking at this legislation as a real opportunity to do away with a lot of the work now being done by brokers. Rather than buying an insurance policy from your local insurance company, De Laplante in my area, which I buy from, people would

go on the Internet, buy their policy as they need it and cancel it when they need to, or if they're not driving the car for two weeks, put a pause on the policy.

Obviously, there are some savings to people, but at the end of the day I'm really worried about what all this technology means to people and their ability to find good employment, good jobs. At the same time we've got these technologies coming in, taking work away from individuals, because this is what this leads to, I'd also like to know how he feels about how government, especially this government, the Conservatives, has done away with public sector jobs by the thousands and what that means generally to the society and what it means to our economy when you have an economy that's ramping up with more and more activity in the marketplace but you have less and less people potentially being employed by way of what this technology does to them.

1740

**Mr Galt:** It's interesting to listen to the presentations made by the members from St Paul's, Essex and also from St Catharines and some of their thoughts. Compliments to the opposition in co-operating and working together on this particular bill. I'm often asked in the riding, "Why don't you people up there in Queen's Park ever get along?" So often when we do agree on a bill it's not headlined in the Toronto Star, the Globe or whatever. This is one where there's a lot of co-operation, and it's a bill that, in spite of the understanding and agreement, we are carrying out some debate on. So I do compliment the members in opposition for their recognition of this legislation.

This is nothing all that new or unique. We've been dealing for a very long period of time with voice contracts, over-the-telephone contracts with insurance agents, for example. My spouse has been in the insurance business for some time, and they make binding coverage of car insurance over the telephone. I'm sure some of the members here are quite familiar with that. That was binding, and that could be done simply with a phone call and the commitment was there. Similarly with the purchase of stocks with investment dealers; again, a contract just because you confirm over the telephone that in fact is what you really want.

I agree with many of the comments made by the members of the opposition that this will in fact move Ontario into the 21st century with information technology. It will be recognizing, kind of moving in the direction of the paperless society that we talked so much about many years ago when computers came in.

All in all, I thank the opposition for their support on this particular legislation and look forward to its speedy passage prior to the House rising on June 22nd, I believe.

**Mr Steve Peters (Elgin-Middlesex-London):** I'm pleased to rise and make comment on the words that my colleagues have put forth today regarding Bill 88. It doesn't happen very often that we have agreement in this Legislature on pieces of legislation, and it's unfortunate that the government doesn't take the lead from this example that has been set here and work towards drafting

legislation that gets more unanimous support from members of this Legislature, in particular legislation that we know is going to benefit all citizens of Ontario.

**Mr Galt:** Be nice, though.

**Mr Peters:** I am being nice on this piece of legislation.

I do compliment the members, because they brought forth a number of good points that need to be taken into consideration at the committee level. We have seen, as we've entered the 21st century, a new way of doing business. I myself spend a lot of time on the e-Bay searching for items of interest, in particular to add to my Jumbo collection. I've been very successful in procuring Jumbo items all across North America, both Canada and the United States. It's important to know that there are going to be protections in place, not only for individuals who are purchasers but for individuals who are using this as a new method, as a way to market a particular product.

We will be supporting this legislation. It is important that this legislation has come forward at this time, but we do at all times need to ensure that we are going to be respecting individuals' privacy. It's incumbent on us as government to ensure that individual rights are protected, and we have to make sure that this legislation does fit into the parameters of the Freedom of Information and Protection of Privacy Act.

I compliment all members on this side on their comments.

**Mr Gill:** It's a pleasure to take part in this ongoing debate about e-commerce and, like I said earlier, the time has come that we actually went ahead with some of these new innovations.

At the same time, I want to try to alleviate some of the concerns of the member for Timmins-James Bay, as if this new technology is going to take over all the jobs and it's going to eliminate many jobs. Any new technology certainly affects people when it comes in. It shifts some jobs and some of the technologies. It's just like when—and I'm going back many years before my time—the cotton gin came in. Somebody said, "Every farmer is now going to be displaced and is going to be taken over by machines." These machines and technologies are to be considered complementary. When computers came in everybody said, "This is going to be a paperless society from now on." As the member from Northumberland said before, we are actually using much more paper, because the desire of mankind to get more information is there. Everybody wants the full report to be on their desk every morning, and perhaps that gives us additional information to make better decisions.

I want to highlight some of the things this bill is going to bring forward. It ensures that electronic contracts, documents and signatures have the same legal effect as those written on paper, which is very important. I think one of the points brought forward was that perhaps a fax copy is going to be considered binding. It also establishes rules for automated transactions and for correcting mistakes made on the computer. Adopting national and international standards for e-commerce—very important,



because we have become a global village and it's absolutely important that we deal in international standards.

**The Acting Speaker:** Response?

**Mr Bradley:** On behalf of my colleagues who spoke earlier and myself, I thank members of the Legislature who have offered their comments and questions. The questions from the member for Timmins-James Bay expressed a concern about people losing their jobs. I'm concerned in both situations that we're more and more dealing not with individuals but simply with machines. I understand they are there to assist us. They have provided us with some modern conveniences, and they are very helpful. Most of us in this Legislature would not have had fax machines in our constituency offices 10 years ago. Now fax machines are considered somewhat dated as we constantly deal with e-mail. So I recognize there is a significant change taking place electronically.

However, I continue to worry about the jobs that could be lost, first of all in the banking situation, where I don't see a cost reduction to the consumer, because the fees keep going up. I simply see the bottom line for the banks being enhanced by this as they make unprecedented profits while they're turfing bodies out in the street. These are people who have worked hard for a bank and dedicated themselves to a bank, and then are no longer with them and the branches are closed.

The member mentioned the same situation of eliminating brokers, in terms of providing insurance for people. That's a concern you have, that a lot of jobs in that industry will disappear. We've seen public sector jobs disappear as well. There are still individuals who want to deal with another human being. I hope we don't lose sight of that. I hope this bill doesn't have the dire consequences that some believe it might, and I hope it does enhance our commercial transactions.

**The Acting Speaker:** Further debate?

**Mr Bisson:** I would ask for unanimous consent to defer our lead as our critic is not here for this issue.

**The Acting Speaker:** Do we have consent to defer the lead? Agreed.

**Mr Bisson:** Thank you very much. I want to say, first of all, that I'll be supporting this legislation. I don't want members of the assembly to get the idea, based on the comments from the speech by the member for St Catharines, that I or the New Democratic Party is opposed to changes in technology, not at all. But I think we need to recognize that in this legislation we're going to be giving financial institutions, insurance companies and various businesses out there the ability to utilize an electronic signature to make a contract legal and binding.

1750

I think there's a whole bunch of questions we have to look at in some detail to make sure we don't open a Pandora's box of potential fraud or other issues that may come of it. One of the points we want to put on the record right at the beginning is to make sure the government has good public consultation, and not what this government normally does, which is to say, "Let's introduce a bill in the House with a time allocation motion

and then push it through the committee stages in a day or a day and a half of committee hearings."

I think you have to have fairly good and fairly wide public hearings in order to give people on all sides, not only people in the financial sectors—insurance companies and other people in commerce—but also people within the legal profession an opportunity to know that this is coming so that they can comment. I'd be interested to know, for example, what some of the more learned minds of our legal system have to say about utilizing electronic signatures in order to OK contracts. I would also want to see what the public has to say because there are a whole bunch of issues that come up.

I want to raise as part of the debate some of what I was reading in preparation for this bill. I knew it was coming. I'm known as not being technologically challenged. In fact, the joke in our caucus is and always has been that I'm probably more in tune with new technologies than most other people out there. I've been utilizing technology not only in my office as an MPP but in the job I did before when it comes to utilization of computers, Internet, and all things that are related to this bill.

I want to raise as one issue the experience in the United States. You would know that Congress has passed a bill in the United States, and it is soon to be signed into law by President Clinton, that will give companies across the United States that are on the Internet the ability to accept a signature, by way of electronic signature, the same as it would in the case of somebody signing a contract. That means if, for example, you go out and buy a house, or you go to court, you make settlement in court over an item, or you want to buy an insurance contract or whatever, now as it stands you have to sign in the presence of witnesses, in many cases, for your signature to take hold. The reason for that is fairly simple. We want to make sure that people are not utilizing signatures in a way of fraud, so that in fact you are protected, so we know that once you sign, it really is you. In the United States, the American Congress has passed a law that is going to allow electronic signatures to have the same weight as signatures that are done in person.

Here are some of the issues they are finding in the United States. They're looking at ways to be able to give validity to a signature that is given electronically. They haven't come to terms with this yet, and I find it kind of interesting. They're saying, for example, that maybe the way it has to be done is that you go to a Web site and you get issued a security code, a PIN of some type, then that PIN is sent back to you, and any time you sign a document with that particular financial institution, you would have to punch in your PIN. That might be fair and good, but you know how many hackers have been out there. I think we all recognize that if you have somebody who runs some sort of encryption program that breaks into a code or figures out a group of codes, that means potentially, if you were dealing with a financial institution—a broker would be a good example—where this would be used, somebody can be out there making trades

on the Internet utilizing your particular code. It's a possibility. All I'm saying is that I'm not opposed to the idea; I just think we need to figure out that we utilize technologies that make sense and that are as secure as possible to make sure we don't end up with the fraudulent activity that could come out of this.

They're also looking, for example, at one other way of doing it, which would be that people would have to buy a type of scanner for their computers where they would either do a handprint or a thumbprint in order to be able to be validated as themselves. That sounds to me like a pretty reasonable suggestion. The problem is, what happens if I don't own a scanner that is able to deal with my handprint? Will we end up in a situation where the company will say, "The only way we'll do business with you is if you utilize Internet technologies by way of a signature"? It excludes people, possibly, from participating in whatever economic activity it might be.

I want to make sure that question is answered as we go through the committee process. It could be that it's not even an issue. It very well could be that we're going to draft this legislation in a way that says: "You still have a choice, as a consumer, about how you sign your contract. If you want to do it electronically, you have that right, and if you want to do it the old-fashioned way, then you have that right." If that's the case, and people are guaranteed access to be able to do whatever type of electronic trade they're involved in, that they still have the ability to go one way or another, then I think it's fine, I don't think there's a problem, but we need to make sure that people are given that option.

I look for an example. As members of the assembly would know, my own father is sitting here in the Legislature. Dad is 73, 74 years old. He's not very big on the Internet. He looks at the stock pages every morning as he looks at his investments, and he wants to make sure, when he makes his investments, that he makes the proper choice, but he likes to go down to his broker and make his trade himself. He's one of those old cats that does it the old-fashioned way. We have a saying in French: "Les bons papiers font les bons amis." In other words, good papers make good friends. He is one of these guys who likes to have everything signed in person in order to make sure that he has some control over security. What do we do with people like my father or other people who are not comfortable with or don't want to use technologies? We need to make sure, by way of this bill, that people are still given that option.

The way the bill is written, it could be construed that an e-commerce business, whatever it might be, will say, "The only way you do business with us is by way of electronic signature," and people who don't like using technology may get boxed in. I know what the Tories are going to say to this one. They are going to say automatically: "Oh, you just have to decide not to do business on the Internet. Then you don't have to worry about that. You won't be subject to this legislation." Well, I'm sorry, it doesn't work that way. The reality is that many businesses—and the Attorney General is here and he'll understand what I'm talking about—are moving the way of new technology and it is not inconceivable that a particular financial institution such as a bank, an insurance company, a stock house, whatever it might be, or even maybe the Attorney General's own department, will say: "The only way you can do business with us is by way of the electronic files because we don't keep paper files any more. We only deal with things electronically and so therefore we only accept an electronic signature, pass code, thumb print or whatever it might be." It may end up excluding people like my father and others who don't want to use those type of technologies.

I see the member from Etobicoke saying: "Oh, don't worry. Everything will be fine." That's what you guys said when you privatized water testing; you guys said everything would be fine. What happened? People died. So I don't trust you; I'm sorry.

My job as an opposition member is to raise these issues and say to the government, "Listen, not a bad idea." This is a problem with the government. I am standing here and saying, "Not a bad idea." I'm in favour of what you're doing, but all I'm saying is that you have to make sure there are safeguards put in place to deal with issues of fraud but also, more important, to make sure that people's access is not taken away because we allow this technology to be put in place. Because it's not inconceivable that the Attorney General all of sudden would say, for example, "When dealing with FRO, the only way we do business is on-line." God knows what would happen then. We could end up in a situation where things can get even more mucked than they are now.

I notice that it's almost 6 of the clock and I would suggest that maybe we recess until 6:45.

**The Acting Speaker:** Thank you for your assistance.

It being 6 of the clock, this House stands adjourned until 6:45 of the clock this evening.

*The House adjourned at 1758.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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First Session, 37<sup>th</sup> Parliament

# Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

## Official Report of Debates (Hansard)

## Journal des débats (Hansard)

Monday 19 June 2000

Lundi 19 juin 2000



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 19 June 2000

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 19 juin 2000

*The House met at 1845.*

## ORDERS OF THE DAY

### EDUCATION ACCOUNTABILITY ACT, 2000

### LOI DE 2000 SUR LA RESPONSABILITÉ EN ÉDUCATION

Mrs Ecker moved third reading of the following bill:

Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience / *Projet de loi 74, Loi modifiant la Loi sur l'éducation pour rehausser la qualité de l'éducation, accroître la responsabilité des conseils scolaires devant les élèves, les parents et les contribuables et enrichir l'expérience scolaire des élèves.*

**Hon Janet Ecker (Minister of Education):** Before I begin my remarks, I'd like to ask for unanimous consent to split the time equally between the three caucuses, if that's the wish of the House.

**The Deputy Speaker (Mr Bert Johnson):** Is it agreed that the time will be split between the three caucuses? It is agreed.

**Hon Mrs Ecker:** Mr Speaker, I'd also like to let you know that I'll be splitting our time with two caucus colleagues, the member for Barrie-Simcoe-Bradford and the member for Northumberland.

I rise today to talk about the Education Accountability Act. The purpose of this act is to strengthen the accountability of publicly funded school boards, very much as part of Ontario's plan to continue improving the quality of education for our students. Our goal is to make sure that our education system is preparing our students for success in a changing and competitive world. This is another step to do that, because we believe very firmly that giving our students an excellent education, a full, enriching school experience, is not a luxury; it's an absolute necessity for our students. This is another step to help make that happen.

Our goal here is not only higher educational standards, something we very much want to achieve and parents support, but also to make sure we're helping our students to meet those educational standards. That's why we are doing things like having a regular testing program to make sure we are indeed meeting those standards to

identify problems so that we can fix them to make sure our students are learning what they need to learn.

One of the other pieces of this bill is to ensure that all of the partners in our education system are accountable for putting our students first, because I believe very firmly that accountability is a very key building block for a stronger and more responsive education system. We know that parents expect not only the provincial government but also the school boards and the teachers to be accountable and to act responsibly to improve the quality of education for their children and for our students. Bill 74 very much responds to what we've heard from parents in this regard.

As I've said in this House before, when we were talking about this legislation, there are four key areas that this legislation addresses.

The first one is to ensure that school boards are actually meeting the provincial standard we set two years ago on instructional time, for the amount of time that secondary teachers spend performing key teaching duties.

The second issue is to ensure that we're bringing down average class size yet again because, despite the fact there have been improvements in this area, we recognize that more needs to be done. So Bill 74 is very important for bringing down class sizes yet again.

The third component of the bill is to make sure that boards are meeting other province-wide quality standards and that they're fulfilling their legal, educational and financial responsibilities in order to do that.

The fourth issue, of course, is the area of co-instructional activities, or what some parents might call extra-curricular activities. As I said, in this legislation we term those activities "co-instructional" because they range not simply from coaching the soccer team but also things like parent-teacher interviews, staff meetings, Remembrance Day ceremonies, graduation ceremonies, all of those activities outside of the classroom that add very much to the educational experience of our students. We have termed them in this legislation "co-instructional" activities. Parents and students see them as part of education, and many, many teachers also see them very much as part of the job and, through their commitment, through their caring for their students, have been providing these activities over many years.

1850

Parents agree, the government agrees and many teachers certainly by their actions have agreed that these services, these extracurricular, co-instructional activities, are not extra but very much part of a student's education.



Unfortunately, in the last two years we've seen too many instances where these important co-instructional activities have been withdrawn completely or in part or they have been threatened whenever there has been a dispute between a union and a school board or a union and the provincial government.

We've had examples in Ottawa-Carleton, for example, where parents and students went without sporting and other activities, which were cancelled during one fall season. In Norfolk, parent volunteers actually had to go to court to win permission to take the area's championship volleyball team to the regional playoffs in 1998. They actually had to go to court—think about it—to have their students have an opportunity at a championship volleyball game.

I know many members are familiar with the experience we've seen in Durham region, where for two years students have been denied many extracurricular, co-instructional activities because of these work-to-rule situations. While Durham is very much the worst example, it unfortunately has not been the only example of where these activities have been withdrawn or put under threat. Parents were very clear that they did not consider this an acceptable situation. They did not think their students should be used as bargaining chips in a fight between a union and the board or a union and the government. I've said for many months to those involved in the sector that parents consider this to be an unsustainable situation, that it would have to be addressed and that if they did not find a solution to address it, I would have to respond to those parents' concerns and I would have to come in with a way to make sure these activities were indeed continued to be provided to our students.

We have done this with this legislation. We have put this forward. Of course, there is great controversy, great argument. Now the unions are saying they do not want disruption in the fall. Well, neither do we. We are not interested in disruption in the fall. We've said that we will pass this section of the legislation but we will not proclaim it. We will not bring it into effect, as it were, unless these activities are withdrawn, unless we experience yet again what too many students and parents have gone through in the past two years. Doing it this way we think actually provides an insurance policy for our students and our parents to make sure they do not have to go through some of the withdrawal activities too many students have experienced in the last couple of years.

I should point out that should we need to proclaim these sections of the legislation dealing with extracurricular or co-instructional activities, there are important changes that we've made.

#### *Interjections.*

**Hon Mrs Ecker:** Be careful there, member for Trinity-Spadina. You're going to get in trouble over there tonight.

There are two important changes we've made that will improve this section, should we need to proclaim it at a later date. The first one is that, as I've said many times publicly before, the issue around extracurricular, co-

instructional activities has been an issue that we've seen in the secondary panel, not the elementary panel. The legislation proposes to split that, if you will, so that if we continue to have difficulties in the secondary panel, we'll be able to deal with that without any undue disruption to the elementary panel. I think that's a very important amendment we have put forward, which was accepted by committee.

The second important amendment is that on the clause which talks about the principal having the authority to assign these duties, co-instructional activities, to teachers, the unions had turned that somehow or other into, the legislation was requiring that teachers be on call seven days a week, 24 hours a day, which was simply not the case. But we've provided additional wording in this, which the committee accepted, to ensure that the intent of that section of the legislation is very clear.

As I said, we certainly hope we will not have to have that authority in place, but at the same time we believe the future of our students' access to co-instructional activities is too important to gamble with, and we think this provides an insurance policy for our students on this.

The second area I want to touch on tonight a little bit is the instructional time standard that is set in this legislation. First of all, this was something we set two years ago; it's not new. We based it on the national average, on what teachers in other provinces were doing in the secondary panel, because we thought that was an appropriate benchmark. It works out to 1,250 minutes for a secondary teacher, which translates into four hours and 10 minutes per day. That is instructional time. I should note too how that compares to the elementary panel. The instructional time standard for elementary teachers is 1,300 minutes a week, so it's more than the secondary panel workload. Again, both of those were pegged to the national average.

Even though we set that two years ago, even when we said very clearly it was the workload standard that we felt was appropriate—and something I'd been saying for many months to the education sector, that we were serious about that, that we expected that standard as well as other province-wide standards to be observed—what we saw unfortunately was that in too many agreements too many school boards and unions came up with agreements that did not comply with that requirement. In the consultations I did, school boards, for example, said that in order to help them in the collective bargaining process we had to be clear in legislation what that workload standard was. We also had to be very clear in our wording so there wouldn't be any misinterpretation, so it would not be unfairly applied from board to board, community to community. That was certainly a message we heard very clearly.

I was very clear that this was an expectation that we as the government had, so this legislation, Bill 74, would indeed provide the clarity we were asked for and which we articulated in this legislation as 6.67 eligible courses during the school year. It's a complex formula. I don't think we need to get into it tonight, but it very much

reflects the way courses and education are organized within the school boards and does not change the standard of four hours and 10 minutes that we set two years ago. We are just explaining it in legislation in a different way, much more clearly, so that it will be fairly applied.

The other thing that I should point out, because I know there has been much misinformation about this, is that it does recognize that many activities—for example, remediation—can be considered as part of instructional time. It does indeed require and recognize that in how it is interpreted. So that's a very important standard that we are setting for the system province-wide, and it is outlined in Bill 74.

The other piece I mentioned was class size. We've heard from both teachers and parents that class size for them is very much a quality indicator. They believe that smaller classes mean their children will do better and will have a better education. We agree. As I said, we set out to put an average size, a cap on those classes two years ago in legislation, but despite the fact that many boards actually were able to report that they had brought their average class size down, we also heard very clearly that more needed to be done. So Bill 74 proposes to bring down the board-wide average class size, both in the elementary and in the secondary panel, which we think is important. We've already put out the financial resources that school boards will require to do that this fall; it's \$263 million, which we have already allocated for them to put this change in place, should this legislation be passed.

The other advantage, the other good-news story about these additional resources and the smaller class size—one of the things we've heard from our critics in the unions was that somehow or other the instructional time, the workload standard for classroom time, was going to result in thousands of teachers losing their jobs. That's certainly not what we want to see happen. So by bringing class size down, by having smaller classes, we therefore need more teachers. By putting the money out to make that happen, we should ensure that we will be offsetting any potential impact on jobs that the union has expressed concerns about. Actually, as a matter of fact, we are anticipating that we may well need close to 3,000 more teachers to meet the lower class size standard with the resources we've put out to actually make that happen.

I hope we can put to rest this continual myth that somehow or other this is going to result in thousands and thousands of teachers losing their jobs, because that is not indeed the case nor is it what this government would actually require.

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**Mr Rosario Marchese (Trinity-Spadina):** You're good, Janet.

**Hon Mrs Ecker:** The member for Trinity-Spadina is supporting us again. It always makes me nervous when he does that, but I do welcome the positive comments he makes.

I would like to say that one of the other things we're seeing is that there is an incredible increase in the number of young people who want to become teachers. There has been a 200% increase from the last several years of people who see the teaching profession as a wonderful career choice, and I couldn't agree more. What we have done recently to try to take advantage of that talent, that energy and that willingness to get into the teaching profession is to increase the number of spots in teachers' college so we can have more teachers graduating. We have a \$26-million investment that my colleague and good friend the Minister of Colleges and Universities, Dianne Cunningham, and I announced recently. This will create an additional 3,500 new spaces.

Because the money flows over four years, it's going to actually mean that we're going to have some 6,000 more teachers in our schools than we would have had if we hadn't made that change. So it's very much taking advantage of the talent that wants to get into the teaching profession and also making sure that we indeed have those new teachers there to keep class sizes down and to make sure that our students are getting what they need in the classroom.

The other important piece in this legislation has to do with the province's ability to make sure that we can uphold the province-wide education quality standards that we've set. This very much answers to our accountability as a provincial government. As you know, we have, as a provincial government, the legal and constitutional responsibility for setting province-wide standards. We need to ensure that we can be accountable to the voters of Ontario for the commitments that we have made in this regard. At the same time, parents have said very clearly that they want school boards to also be held accountable for meeting province-wide quality educational standards. So this legislation, Bill 74, does indeed give us the ability to ensure that those standards are observed.

For example, if it's alleged that a school board is not meeting the class size, for example—and this is something that sometimes teachers and parents have expressed concerns about—this would enable the Minister of Education to listen to those concerns and to have an investigation to determine if that is indeed the case and if those allegations are indeed true. If a school board is found to be not meeting that standard, it does give the minister or the provincial government the ability to take steps to fix that problem and make sure that those province-wide quality standards are indeed observed.

One of the other things I should mention, because it has concerned me greatly in my travels as I've met—for example, I was in eastern Ontario on Friday and met with representatives of the school community in one of the boards there. Some of the trustees were expressing concern. They've heard from some of the unions that somehow or other Bill 74 is taking away their freedom of speech. Nothing could be further from the truth. There is nothing in this legislation that interferes with their democratic rights to express their viewpoints or political comments. They certainly can do that.



But what Bill 74 does require—it's the same rule that I and my provincial colleagues and even those across the way have. We have to abide by the law; we have to meet many standards, whether they're municipal, provincial or federal; we have to obey those laws. Bill 74 simply requires that trustees indeed obey those laws as well, and it has nothing to do with their rights as citizens or as individuals in terms of free speech.

Bill 74 is another step in setting province-wide quality education standards. I believe it signals our continuing commitment to achieve the promise of education reform that was very much part of our commitments to the voters of Ontario in 1995 and again in 1999. Parents have asked that we be accountable for delivering quality education, and I believe we must be accountable for the standards that we set. Parents have also told us that they want school boards to be accountable for delivering the benefits of Ontario's education reforms to their children. Bill 74 does indeed respond to those requests. It keeps this province firmly on the path towards the quality education that we all want for Ontario's children. I would really invite and hope that the honourable members across the way would share our concern about making sure that would happen and would vote to support this legislation.

**Mr Gerard Kennedy (Parkdale-High Park):** It is indeed a qualified pleasure to be able to rise here tonight. We have another example tonight, in the timing of this debate, of a government afraid of its own legislation. We have a Premier and a minister afraid to put this legislation in front of the public, in front of the people who sent them here in the first place. Why are they afraid? They're afraid to do what they sometimes in the past wanted to associate themselves with, relate to what people's concerns are, because they know what's in this bill. They know what they are trying to perpetrate on the public of Ontario and they are having none of the accountability that would go with facing down the public in hearings or in meetings or in debates.

No one from the other side of the House will defend Bill 74. They made sure to set up 10 hours—10 hours in total—for the entire province. So for each of these members—the 59 members opposite—they deemed that approximately 10 minutes per riding was all that this bill required. That's all that their responsibilities representing the people, the children in their riding, the two million children across the province, required to have a say on this particular piece of legislation.

I think the instructive thing is, this government is running away from this bill. It started off the legislative session saying, "This is our centrepiece," and then pretty soon decided to hide it away, decided they were too afraid to discuss its implications. Why would this government not want to debate Bill 74? Why would they switch the debate from tomorrow night to tonight? Why would they only offer 10 hours of hearings? Why would they cut off debate in the minimum amount of hours and minutes necessary? Because it's a lazy bill. It reflects a government at the height, not of its power but of its arrogance, a government that has taken on a certain kind

of cast, that thinks it can sit here in their plush chairs at Queen's Park and push buttons that control what happens elsewhere in the province.

This is a centralist, Soviet-style idea, that this government sits here in its splendid, splendid arrogance and believes that somehow they are going to be able to tell what's happening better in a classroom than a teacher, a school and indeed an entire community. This bill should be voted on with a motion of this minister and these members and this Premier thumbing their noses at the people of Ontario, because what they're saying is: "We know better. We not only don't have to listen to you, we're going to take away any vestiges of power that school boards or other elected officials might even have had." This is a government choking on its own power and arrogance.

Why? Part of the reason became the inability to manage—a government that didn't know how to hit a fly with a fly swatter, and used dynamite. They had problems in Durham region, represented by the Minister of Education, another part of it represented by the member for Durham, who is the chair of the education committee of cabinet. They found themselves with a problem. What did they do? Did they try and solve that problem? Did they bring their powers to bear to try and solve the problem in Durham? They didn't. Instead, they took the staffing formula in Durham region and exported it to the rest of the province.

That still remains. We have heard the minister timidly address this bill a couple of times now—never in public; in this House a few times—and she has never, ever answered the direct challenge to produce the names of the schools where she thinks people are not providing extracurricular activities outside the Durham area. If you were to get the briefing, the tiny little bit of information this government was prepared to give—when the assistant deputy minister of this ministry was asked, "Do you have a study, an analysis, a report, anything to show problems with extracurricular activity in Ontario?" the answer was no. There's nothing. There's nothing to prove the need for this bill.

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Why, then, do we have this bill before the House? We have this bill because this, in the splendid arrogance of this government, is a bill that purports to create a problem and then wants us to buy the remedy. That's how out of touch this government has become. They actually believe they can get away with that kind of ethical and centralist gymnastics.

The government of the day would now see itself in a position to inflict on the schools the formula that did not work in the last two and three years, that almost everybody agrees did not work in Durham region. It is now coming to a neighbourhood school near you, courtesy of a greedy government, a government that is simply not comfortable with having taken a huge amount of money out of education but wants to take more.

Again, this government is afraid to defend its record. It has cut 29%. It has defunded education by \$1.6 billion

since its inception. That's how much less it has put in from provincial property tax than when it came into office, on a straight-up comparison basis. That money isn't there.

We have heard, in a rare occurrence, the minister try to say, "We want to inflict our standards on the whole province." Indeed she does want to inflict standards: lower standards, fewer teachers and more students. Lower standards: That's what this government represents. What's happening across the country, across the continent? Governments are investing in public education. This government stands—

**The Deputy Speaker:** Order. There's too much talking. We would like to have you for the rest of the evening. There are some Speakers who give people a last warning. Don't expect it this evening.

**Mr Kennedy:** Mr Speaker, I hope the additional seconds, in your discretion, may be added on. We want to make the most of the time, to make sure this government doesn't believe, even as it slinks in here tonight to try to get away with this legislation, that people out there aren't paying attention, because they are, unfortunately for this government. Nor should it think it somehow can afford to hoodwink the public of Ontario, to make them believe that somehow their daughter's or granddaughter's or grandson's or children's future is going to be better because this government wants to send a \$200 tax rebate rather than educate their kids. I would put to you that there are not many people in this province these days who believe any more in the free lunch this government has been selling for the last five years. They know instead that somebody is going to pay. They look and see other jurisdictions increasing their commitment to public education.

It came to the point in California where they wandered down this Byzantine path before and made a mess of their school system. They find themselves instead offering no taxes as one possible incentive to get back the teachers they've lost, because they no longer have the underpinnings of a quality public education system, the exact route this government would like to go.

This is a government that would put the needs of special-needs kids behind a \$200 tax rebate, that would put the needs of individual students in the classroom getting texts—we see from the elementary school report survey that was done by parents around the province that 66% of children are now sharing class textbooks, up about 10% from a few years ago. More likely now than ever before in elementary schools there isn't going to be a principal there. Instead, it's going to be a part-time person looking after the safety, security, discipline and, most important, the learning in the school. That's the legacy of this government, and that's the legacy it again tries to run away from tonight. But the reality is that its standards mean lower quality. There is no high-quality standard on the part of this government. It wants to inflict fewer teachers with more students to dilute the effect of the learning experience in Ontario.

You see the opposite direction being taken in private schools, where they are spending more, not less money,

where they don't trifle with those kinds of ratios of teachers and where they don't turn education on its head in order to obtain savings of \$130 million. This government alone, in its splendid isolation and arrogance, believes this should be done.

This is a government that is foisting on this province an outlook of disrespect and avoiding responsibility. Last Monday this government, in the lightning-fast amendments they saw fit to support for this bill, would not put in place the same measures for each of them as they were purporting to put in place for teachers and trustees. What kind of arrogant contradiction do we see from the members opposite, poised to vote for this bill, splendid in unison, in harmony for a bill that can't be made to sing on tune?

Instead, this government would put to the trustees draconian measures to make them do its will. This minister and this government, and anyone sitting in that chair with this particular government, would bring upon itself, aggrandize, the power to fire board employees, to exercise penalties that no minister of the crown anywhere in Canada has over those kinds of employees and over elected officials at another level of government. They didn't need it. I think people will recognize that this is the sign—in the private sector it is usually a cowardly, poor employer who has to rely on power to force people to do what he wants. It's the resort of people who don't have the courage of their convictions, and that is what we see here tonight: the last resort, the final resort of people who absolutely don't believe in what they're doing. Otherwise, they would have sat down and tried to persuade the public. Instead, we find ourselves in a shortened debate. Instead, they would have seen themselves unafraid of sitting down and talking to the educators of this province about the kind of conditions they want in the classroom. But this is not a government that sees a value in that. Instead, they dish out the disrespect and they dodge the responsibility. That's the hallmark of what they think they can get away with.

A few minutes ago we heard a minister talk about an increase in teaching applications. What the minister failed to mention—of late we always tend get half of the story—was that that was after applications nose-dived 31% in the first few years of this government. Teachers are not flocking to schools because this government is restoring confidence; it's because of the above-average number of retirements that are taking place as we lose some of the best teachers we have in this province, and it's taking place at rates far above what other provinces have seen with similar incentives. It's because this government has made it its business to undermine the teaching profession. It celebrates the idea that it can attack teachers. This government sees fit to attack on an unwarranted and sustained basis the very same teachers individual parents put their children in the trust of each and every day.

There's a response, and I am sure the response will be coming from a public that is becoming more and more aware of the tired, sad, lazy tricks of this government.



But there will be other responses as well, and I want to read one of them. It is from Kevin Rachman. This gentleman is a teacher. He is 30 years old and is teaching at Alexander MacKenzie secondary school in Richmond Hill. He has been teaching for three years and has had two excellent performance appraisals. He's enthusiastic and highly involved in his school, he's done everything he can for his students, he knocks himself out to provide a good learning environment—and he's quitting.

He's quitting education in Ontario because of this government. He is deciding that despite the fact that he enjoys what he is trying to do—he's a professional with a graduate degree in education—his expertise and abilities are constantly disregarded. He has submitted his resignation for the end of this contract year to the York region board of education. He is saying to his principal that he remains committed to the children, but he does not believe the agenda this government is putting forward allows him in good conscience to work within that system that he believes, of conviction and now of unfortunate action, will deprive Ontario secondary students of a truly effective education. This is the consequence of the bill this lazy government wants to pass tonight.

This government would take the easy way out. There are other methods, other ways and other means to address the so-called problems. This minister could have dealt with problems in Durham region. This government could have decided to discuss with teachers how to create a positive learning environment. This government could have decided not to suck so much money out. It could have postponed some of its Christmas bonuses around the province. It could have stood off some of the politics of the way it's conducted the education system with its erasable textbooks. But instead we have people like Kevin Rachman having to resign because of the arrogance of this government pushing through Bill 74 and reducing the learning experience in this province.

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Mr Speaker: I think it's important to note that anyone who is truly dedicated to children will not resign to make a political point. I think the member should note that in his remarks.

**The Deputy Speaker:** That is not a point of order. The Chair recognizes the member for Parkdale-High Park.

**Mr Kennedy:** Mr Speaker, I refer to the time on the clock and I ask for your fair-minded indulgence in making sure that time is not stolen from this caucus.

It is absolutely important that this government be brought to terms for its inability to debate this bill. We find, for example, that in certain parts of the province not only the Minister of Education won't debate this bill but individual MPPs won't show up at local meetings. The members for Peterborough, Northumberland, Haliburton-Victoria-Brock and Durham cancelled public appearances. That's how afraid this government is to actually debate this bill. They see themselves in semi-public forums and they won't even make it there. That is the hallmark of a government that is afraid of this particular

bill, and it should be afraid. In their cowardly resort to extraordinary power, in their resort to executive fiat—it's a power that is unchecked. You read the bill and it uses words like "concerns of the minister." It doesn't speak to an objective process, it doesn't say the interests of children will come first; it just says that if the minister has concerns, he or she can act in an untoward fashion by firing people, by exacting penalties on trustees.

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When we look at what they purport to do to teachers, we had in their noblesse oblige this minister come forward to us and say, "We will not use the power I want to take on to myself." They are saying essentially to people concerned about education in this province: "Trust us. Trust the people who have stripped \$1.6 billion. Trust the people who have attacked teachers gratuitously for their own particular political gain. Trust the people who have, time and time again, put the interests of children second."

Minister, you will not have that trust. This government will not have that trust. You can pass this bill tonight, but you will not have your way with bringing down public education in this province.

**Mr Doug Galt (Northumberland):** It was interesting to listen to the member from Parkdale-High Park talk about some MPPs who cancelled a meeting or didn't show up or whatever his exact wording was. I'd like to bring to his attention that that particular meeting had to do with the funding formula. Everything in that meeting had to do with funding—nothing, absolutely nothing to do with Bill 74. The meeting was brought to Toronto, where we had some of the ministry staff to explain to the trustees about the funding formula, rather than the MPPs meeting and being a third-party go-between carrying information. I think, before you stand up in this House and spread those kind of facts, you should have the true facts ahead of time. I expect you read that in the newspaper, in the media, and maybe next time you should get your information accurate before you get up in this House and start spouting off.

I'm certainly pleased to be able to respond on Bill 74, now that I got that off my chest and explained it to him. I'd like to talk a little bit about some of the myths we've read about in the press and heard from the unions, the typical union rhetoric that has been going on. One was: "There's no problem in the education system. Everything's OK. Just leave it to us and we'll cruise through." Well, we've been cruising since I was on the school board back in the late 1970s, and I can tell you that parents thought then that there were some problems with the educational system and they wanted some changes made. Lo and behold, since 1995 changes have been made, and certainly things are going in a much-improved direction.

What was going on since Bill 160 in particular was that most boards were negotiating away instructional time. It was not the way it was laid out in Bill 160, and that was one of the unfortunate things. But the unions thought what they were doing was just marvellous and

there was no problem, when in fact there was a very, very significant problem out there.

They were also advising their teachers, their union members, to withdraw co-instructional activities, which was absolutely wrong and not the thing that should be going on. They were using it as a bargaining chip in their labour negotiations.

#### Interjection.

**Mr Galt:** I can hear the NDP member from Trinity-Spadina spouting off about how that's the right thing. Maybe he doesn't have any concern for the students. We do. Maybe the opposition is only worried about their union reps, but I can tell you this government is worried about the students and their concerns.

The children were being held as hostages in bargaining ploys, and that is absolutely dead wrong. We believe that the students should come first.

Then it goes on, "will not force teachers to do additional activities outside the classroom." I think about the original design of this bill that was going to be put in place where first the board would develop a policy on extracurricular activity and then the local school, the school council in concert with the principal, would design what they would do in that school, and then the principal and vice-principal would implement it. With this bill, as it is now after second reading and out for hearings, we're not going to proclaim this particular portion, and we can break it into one level or the another, either secondary or elementary. Only if they misbehave will it be proclaimed and be used. I think, after what's been going on in the province of Ontario, this is only fair.

I think it what was absolutely hilarious to hear the comments from the unions saying they'd be on call seven days a week, 24 hours a day. I can't imagine their being on call. I know what being on call is like as a veterinarian in large-animal practice. It means you are by that telephone 24 hours a day, you are there seven days a week, and if you go out on a call, you have to have somebody there covering you on that phone while you're out. That's being on call 24 hours a day, seven days a week.

What's in the legislation, if the union would take time to read it, is simply the fact that they might be required to do something on a Saturday, they might be required to do something after 3 o'clock, not that they would be on call. I don't think the member for Trinity-Spadina has any idea what being on call is like. All we're saying is, there may be some extracurricular or co-instructional activities that might be necessary. Things like parent-teacher interviews: Do you think they're going to be at 2 in the morning? Things like going to staff meetings: Are they going to be at four in the morning? Supervising school functions: I can't quite imagine a volleyball game on Sunday morning at 3. And writing reference letters for students. These, to me, are basically things a teacher would be doing, and I know we have a tremendous number of very committed teachers and my hat is off to them. The large percentage are very committed teachers and they want to do this kind of work. I think it's just

unfortunate that we're at this state and have to bring this kind of legislation in.

If the unions hadn't responded the way they did, we would not be at this point in time. I can hear it from the Liberals as well as the NDP. I can understand it coming from the NDP, because they get a lot of their support from union dues—They go directly into the NDP coffers to support their party—but to hear the Liberals joining in with the NDP, it sounds much like an unholy alliance to me, where they worked together back in the 1980s and they're still working together, having the same union philosophy.

I, for one, really don't want to see another year where there are cancelled graduation ceremonies, where letters of support for scholarships are not written, where there are cancelled band practices and where there's a removal of students' ability to participate in school athletics. This kind of thing is absolutely not acceptable.

You know, I've heard the opposition say over and over again that this is a problem in the minister's riding, that it's just in the riding of Durham. I can tell you there have been a number of boards since 1998 that have been caught in this kind of situation. Co-instructional activities have been withdrawn from quite a few boards.

**Mr Dominic Agostino (Hamilton East):** Name names.

**Mr Galt:** OK. For example, sporting and other activities were cancelled in the fall of 1999 by the Ottawa-Carleton District School Board. That's one example. In 1998, also, the parent volunteers in Norfolk had to go to court to win permission to take the area's championship volleyball team to the regional playoffs. That was reported in the Brantford Expositor. How about—

**The Deputy Speaker:** Order. If you put your hand up—we're talking education—it's hard to know if you want to speak, but in any case you can't.

The Chair recognizes the member for Northumberland.

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**Mr Galt:** When he put his hand up, I just noticed one finger. I think we know what his problem was.

The athletic association in the Avon Maitland District School Board indicated that high school sports could be suspended in Huron and Perth counties, and right in my own riding, at the separate board, similar extracurricular activities have been withdrawn. The opposition wanted to know a few examples. I thought they'd appreciate knowing about those particular ones.

Also, there's a myth that teachers will be unable to give students individual attention. Well, let me tell you about some of the things we brought in to help with this particular activity. These include some \$64 million for the teacher advisory program, some \$25 million for remedial programs for students who need extra help in math and languages and also some \$5 million in addition for funding to help boards offer summer programs for students preparing to enter grade 9. We've also brought in some \$70 million for school-based programs to assist children in kindergarten to grade 3 to build their reading



and other skills, and also another \$70 million to help in the early identification of learning problems and other exceptionalities. That gives you a few examples.

There's another myth that Bill 74 will take all decision-making away from parents, teachers and local school boards and move it to Queen's Park. This is fearmongering absolutely at its worst—typical of the NDP and the Liberals and the kinds of things they join in with the unions on and sound off and go door to door with. But there's no question the unions have used co-instructional activities as a bargain chip. Bill 160 is going to close some of those loopholes.

I go back to some of the things I heard—similar fearmongering—one from the chair of our public board making the comment that if the bill went through—I believe it's Bill 160; it's either that or 104—"Boy, they wouldn't even have the power to buy a toothbrush." We see what went through and we see the kind of powers they still have, and there are going to be similar powers with the boards following this, except there will be some limitations.

It's going to prevent a lot of the boards from breaking the law and will keep them in line, as it really should. It's going to ensure that there's a process in place where boards of education must consult with parents before deciding to close a school. That's something I brought in when I was on the board back in 1978, the Northumberland board at that time. It's going to establish school councils that will have meaningful input into the ability to influence decisions that will impact the children and the local schools. Also, in the proposed code of conduct we've included a provision for the majority of parents to decide on the introduction of school uniforms or the taking of the oath of citizenship. These are some of the things that we have been doing.

Just to move along, I wanted to talk a bit about class size in the next five minutes or so. Back in 1993, as I'm sure the member from Trinity-Spadina will recall, there was a disturbing trend to increase the average class size at all levels in our school system. At that time I remember the parents and teachers were very concerned about this, but that was part of negotiations that were going on and so they were giving the union more dollars for salaries but giving less and less to the students and having larger and larger class sizes. That was the kind of thing we were going through.

What did our government do in 1998-99? We brought in a limit to these class sizes. We looked at what the average was and said, "Hey, no further; 25 students max for the elementary panel and 22 students max in the secondary panel." That was the maximum average class size, of course. A lot said, "That's way too many." But I also hear comments being made out there that there is no scientific evidence to show what's gained by having smaller or larger class sizes, but it's a general feeling that if you have a smaller class size the students will get more from it. We're actually making an extra step in reducing this class size with this particular bill.

Also, in the 2000 provincial budget we announced that we will be providing an additional \$101 million annually

to school boards to reduce average class sizes at the elementary level. We also announced on May 10, 2000, that we're committing another \$162 million to reduce the maximum average class size at the secondary level. If approved, Bill 74 would require that school boards ensure, on a board-wide basis, that their average class size be no greater than 24 pupils to each teacher at the primary level—that would include junior kindergarten, grade 3 etc.—and 24.5 for the full elementary panel, and then looking at the secondary panel maximum average class size being 21.

With this legislation, the government is really reducing class size. We believe it's going to benefit students and there's going to be a need for more teachers. It's estimated that in Ontario we'll need 2,800 more teachers. That's why we recently announced an investment of some \$26.25 million to create an additional 3,500 new spaces in teacher education programs over the next four years. This will graduate some 6,000 extra teachers over the next four years. I think this is pretty exciting. It's pretty exciting for anyone who wants to go into the teaching profession. We're looking at an increase of some 40% for those applying to teachers' colleges.

It's exciting some of the compliances that have been brought into place: the funding formula in particular, where classroom spending has been defined and has been protected. I think this is good news.

In winding up, I just want to make some mention of these classifications, that school boards must spend money allocated to the classroom only in the classroom. It's about time there was a limitation there. Funding from special education grants must be spent to meet the needs of students with special needs. Funding from the school board administration and governance grants represents the maximum a board may spend in this area. Just reflecting on that headquarters that's been built in Peterborough for our board, wow, millions and millions of dollars for a very fancy place, and this will limit that kind of foolishness in the future. The fourth one is that funding from the pupil accommodation grant for school renewal and new pupil places must be spent on repairs, renovations and providing new school spaces for pupils.

I have spoken on second reading, on a time allocation motion for Bill 74. I for one enthusiastically support this particular motion and look forward to it passing third reading, hopefully the vote later this evening or, if deferred, tomorrow. Bill 74 is going to be of great benefit to the Kawartha Pine Ridge District School Board and the separate board in my riding.

**The Deputy Speaker:** Further debate? The Chair recognizes the member for Trinity-Spadina.

**Mr Marchese:** I thought the Liberals were going to go up next.

*Interjections.*

**Mr Marchese:** Wayne Wettlaufer, the member from Kitchener Centre, was coming by. He had an accident and I thought, "Oh, my God, did some non-Tory have a fight with him?" There's so much violence these days because of their policies, I was worried. He said no, it

wasn't any human being who did that. He said he had an accident with the lawn mower. I said: "Oh, my God, even inanimate objects are angry at this government. Even the elements are fighting back." Imagine the lawn mower being angry at Wayne and striking back with some serious ferocity. I've got to tell you, even inanimate objects are fighting back. That's how serious the state of affairs is in this province. I'm worried, Speaker. I have a Latin expression for you, Speaker: *Gubernatio bona fructum parit*.

*Interjections.*

**Mr Marchese:** Monsieur Tascona, this means, "Good government brings forth fruit." Would that good government were here, because we don't have good government in this place, in this building, in this province. *Gubernatio bona fructum parit*. It's a Latin expression, Speaker. Don't worry about it. I translated it. We don't have good government. That's why we have bad fruit coming out of this government. There's no good fruit at all.

1940

You listen to the minister, you listen to the other members and every other word is "union": unions this, unions that, union bosses here, union bosses there. The poor teachers; man, are they in trouble. They never talk about teachers, except every now and then to say, "We love you, but we hate unions." I say to myself, what have these unions done? What is it that you people do? What do unions do that is so bad that these people have to, at every other word, say, "It's those unions"?

I've got to tell you I would be unhappy to be Earl Manners. They go after Earl Manners all the time. It's on their lips. They're drooling with satisfaction every time they say, "Earl Manners, the union boss." The unions, union boss, bosses' unions—what have they done that is so bad? I don't know, except and unless you want to leave an imprint on the public that unions are bad. Don't say anything about what they do and don't do, because you don't have to explain it. Unions are bad. Isn't that wonderful? Isn't this minister great? With what sinister silkiness she speaks. She's always so silky, always so first cold-pressed olive oil as she makes her statements.

*Interjection.*

**Mr Marchese:** I love olive oil. Are you kidding? The first cold-pressed is beautiful, but not in this House. You see the minister and the other members clothed in cold-pressed olive oil. Honest to God, they should use some cheaper oil so people could see through it, because I've got to tell you, cold-pressed olive oil is the best in your salad, with your pasta, even just pasta and olive oil. That would be just great, but not in this place.

*Interjection.*

**Mr Marchese:** Greek olive oil is great. I wouldn't go as far as saying Greek olive oil is better than Italian, no. Dominic, would you agree with that? We Greek Canadians and Italians say cold-pressed olive oil is good, but not in this place.

You heard them talk about the fact that they had hearings—two hours in Barrie and a whole long day in Ottawa, 9 o'clock to 5 o'clock. It must have been

exhausting for the Tory members to sit through that one. The poor Tories haven't sat through too many hearings. When they had a whole day in Ottawa, man, were they tired? They said, "My God, are we going to do this again?" They were happy, delighted, that they don't do this too often. But a whole day in Ottawa—man, was democracy just at its height there. They obviously must have listened because they came back into the Legislature and said, "We went through the hearings and we listened to the teachers as they were angry." And parents too, by the way—parents were really upset—trustees too, and the teachers.

They said: "We listened to you. You know what we said in the bill about extracurricular activity? We're just not going to implement it." It will be there as if in suspended animation, like a fine sharp guillotine ready to be applied at the call of the moment when the minister decides that some teacher in some board or some school in some board somewhere in Ontario decides, "We're not going to do extracurricular activity." The minister will say, "The guillotine goes down," and not just for the school but for the entire Ontario board system.

We went out for a full day in Ottawa and, boy, they listened so intently that they decided not to implement that section that would by force oblige teachers to do extracurricular activity. They simply decided, "Because we heard from the teachers, we're just not going to implement it unless and if teachers misbehave." Isn't that a wonderful way to listen? I thought it was remarkable. What skills the Tories have. They go out, they listen and they say: "OK, we're going to keep it in the bill. It's not gone; it's there, suspended, waiting to be used at the beck and call of the minister." Isn't that power? Isn't that delicious power that you have in your hands to use any time you want? I think it's delicious.

Bill 81, the bill that forces—oh, the teachers have been clamouring for it. You know that power the teachers have been wanting and desiring and screaming for, the one that says, "We want to suspend students," the bill that the teachers have been screaming about that they love? We didn't get any hearings for that. Don't you love that, David, Monsieur Tilson, mon ami? No hearings on that, but I thought you guys were happy to take that out on the road so you could say to the public, "Look, we listened," so you could say to the teachers, "We listened, because you were screaming for it, you wanted this power." So I say to the minister, name one teacher who said that. Of course, you can't even name one, because it's all mythical, this thing about, "We went out and talked to teachers." Please.

Ninety-nine per cent of the teachers consulted around Bill 74 said, "We are opposed to the bill." So I say, how many teachers could this minister know who said, "We want Bill 74; we want Bill 81," where no teacher across Ontario is asking for it, except maybe a few who didn't respond? We don't know whether they want it or not, necessarily.

I've got to tell you, this is not democracy. David, come on. Surely in your caucus you must be saying,



"This is wrong; we've got to have hearings." Joe Tascona—no, it's the wrong guy, because he's one of the stalwarts. He's always here in the House speaking on behalf of the government, defending the Premier.

Premier, welcome. It's so good to have you here in the House to listen to the debate on Bill 74. I am honoured, because this is an important issue for the Premier. As you know, he was a former teacher, so he's interested in improving the quality of education.

I tell you, they cane teachers left and right. They line them up and they cane them with a big, long stick from here to the Speaker. It's a long distance. Then they say: "We love teachers. We don't have anything against teachers; we love them."

I don't think that's true. I don't think David Tilson loves teachers. Do you?

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I do.

**Interjection:** We all do.

**Mr Marchese:** You do too?

**Interjection:** Yes.

**Mr Marchese:** You all do? Doug, you too, from Northumberland? You love them too?

I ask you, Speaker, how could they love teachers and yet cane them from here to kingdom come? I don't get it.

It seems awfully contradictory to me. But to hear Doug from Northumberland—you heard him earlier on, right, your buddy? He said: "Students come first. Changes need to be made. We're concerned about quality." So I say to myself, what aspects of this bill—there are three components—have anything to do with quality?

Let me go through them for your benefit, good Ontario citizens, because the Tories don't listen. I understand; that's a given. It's me and you watching. That's the debate.

Three things that they're doing with this bill. First—

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** Four.

**Mr Marchese:** Four? Joe Tascona, you should have spoken before so I could have picked up the fourth one.

Here's the first: "We will oblige teachers to do extra-curricular activity. But we changed that because we listened to you, and we won't apply it until you misbehave." OK. That's the first part. Remember, this is the first part that obliges teachers to do the extracurricular activities even though they've been doing it for, what, 50 years or so? Volunteering: 99% of the boards, as Mike Harris, the Premier, agreed with me when I asked him that question. Even though 99% of the boards agree they're doing it voluntarily, Mike says, "Not good enough, because even if 1%, one school, is not doing it, we've got to force all teachers to do it."

They backed away and they said—they didn't back away, by the way. They didn't blink. The power is there, but that's the first part, extracurricular activity.

The second part is, "We are going to oblige teachers, because we changed the definition of instructional time, to teach a bit longer."

**Mr Tascona:** No change.

**Mr Marchese:** What, Joe? No change? Come on. Let me explain it to you. They used to teach six periods; now they're obliged to teach 6.67. Mathematically, it's simple: 6.67 is greater than six, is it not?

**Mr John O'Toole (Durham):** Read the bill.

**Mr Marchese:** John O'Toole: "Read the bill." I'm going to explain it to you too. Hold on.

Six periods is smaller than 6.67. I know the good citizens of Ontario, even the taxpayers, will agree with me. These are the taxpayers, your friends and buddies. Even they will agree with me that 6.67 is a larger number, and what does that require of teachers? It requires them—

*Interjection.*

**Mr Marchese:** I know, Marilyn. You're so unhappy that I'm exposing these things. Let's be patient. Let's go through it.

They are requiring, through their redefinition of instructional time—because it's a matter of revolution here. As soon as they see that they haven't fixed the problem, they refix it and they introduce another bill. Whatever you have to do, this government does, right?

So they have changed the definition of instructional time and they're going to require teachers to teach just a little more. It's not too much to ask of a teacher, to teach a little more, is it? If we can work hard as politicians—my God, we work hard, right?—they should work harder too, right? So we have so many students, so many teachers, requiring teachers to teach more students, meaning that about 2,000 teachers are fired.

**1950**

The minister said in response to questions from the opposition, "Where does it say that in the bill?" The minister wouldn't be that non-intelligent to say, "We're firing 2,000 people," would she? No minister is going to say, as they did in Nova Scotia, "We're firing so many teachers." In Nova Scotia they had the intestinal fortitude to say out loud, in the open, "We're firing teachers." But here in this province we don't fire teachers; we simply redefine teaching time, redefine instructional time. The minister, quite humorously, with a sinister silkiness, says, "Where does it say in the bill that we're firing?" You're firing close to 2,000 teachers, and then the minister says, "Are you against reducing class size?" I don't see the connection, but that's what she always answers in response to these questions. She says, "We're reducing class size," even though class size at the elementary level has gone up, and at the secondary level we are losing so many teachers that fewer teachers are teaching more students at the moment, under your guidance and tutelage, and it's going to get worse with Bill 74. You're going to stress out our teaching profession in ways we've never seen before.

The teaching profession is an important profession, I would dare say, in terms of the contribution they make to our future money managers; you know, the ones who go and make millions moving money around. They produce the future capitalists of this world, but God, I've got to tell you they won't be able to write any more. Do you

remember the complaint we had from universities that students come to university unprepared, have very few language skills; they can't write? I've got to tell you, Premier, you're going to make it worse. If teachers are required to teach more students—not more contact time individually, but more students—meaning they are occupied all of the time teaching, they will have no time to help individuals who need help. They're shut out.

Premier, let me tell you, because you were a teacher: You would know that when you force, as an example—

*Interjection.*

**Mr Marchese:** Work with me, Mike. Let me explain. When you force an English teacher, as one example of the profession, to teach longer, what are the implications of that? The implications are the following: A teacher who has no more time during the school day to have freedom of mind, a somewhat relaxed state of mind to be able to prepare a good lesson, to be able to deliver a good lesson, to be able to give assignments and mark them, that teacher is not going to be able to produce the kind of quality students that you desire. In fact, you're going to make the quality of education and the product of that educational system through that student much worse.

Mike, think of this: An English teacher has 120, 150 students and you give him an extra class to mark. What does that mean? If I am an English teacher and I assign an essay paper on, let's say, Othello or King Lear or some other Shakespearean play, any character you can think of, and this paper has to be about five pages long, 10 pages long—multiply that one paper times 150 students. Joe Tascona, you're a lawyer; you understand these things. Multiply that.

*Interjections.*

**The Deputy Speaker:** Order. We have too much talking. If you have something, you address it through the Chair, and I wanted to mention that to the member as well.

**Mr Marchese:** So think of that: An assignment, just one, five pages long—not even 10, because that would be too mathematically impossible for some of you to conceive of, I imagine. Five pages, 150 students—how long do you think it would take to mark those papers?

My point is that if you give them yet another class, it's going to make it impossible for teachers to give written assignments. If you have to mark a paper, mark it with comments to show where the error is so that you can help the student—not just given an A or an A+ or a B+ or a B, but rather to correct and to suggest ways of improving the paper—if teachers are required to do that, as is the case, and you give them more students, those teachers are going to think twice about giving more assignments to mark.

You say we need more contact time, but the more students you give that teacher, as opposed to fewer students, the more that teacher will be burdened with so much extra work that the teacher might decide, for his or her own sanity, not to give so many assignments. If the teacher decides that for his or her own sanity she cannot give so many assignments that she has to mark, the

students don't get to practise writing. If they don't get to practise writing, they won't know how to write.

**Hon Michael D. Harris (Premier):** You think so little of our marvellous teachers.

**Mr Marchese:** Oh no, Mike. I think very highly of them, mon ami Monsieur Harris. I think very highly of them. That's why I'm raising the concern.

**Hon Mr Harris:** It doesn't sound like it.

**Mr Marchese:** But Mike, I'm telling you, teachers are fixing your problems and have been fixing your problems since you came into office—day in and day out, caning them from one end of the House to the other. They have been dedicated to fixing every one of your so-called initiatives. I suggest to you, Mike—the Premier, Monsieur Harris—they might stop doing it.

**Ms Marilyn Mushinski (Scarborough Centre):** Show some respect.

**Mr Marchese:** I am.

They might suggest that they are too tired to do it. I think a lot of teachers will feel that way. Don't you want our teachers to be able to have the relaxation of mind?

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** They have it.

**Mr Marchese:** They don't. You've taken the heart out of education. You've sucked the energy and the desire out of the educational profession to the extent that you may not get the product you so desperately want and so desperately need, that we as a society desperately need.

There's only so much you can ask a teacher to do before that teacher decides, "I am tired." How many e-mails have I received from teachers saying, "I love my job," and how many e-mails do we get from teachers saying: "But I'm losing that love. You're sucking the energy and the desire right out of me"? The Premier says, have I so little faith in the teachers? No. I have a great deal of faith in them. It is they who suck out and drain whatever love and respect they have for the profession.

They have, through the hearings, determined that perhaps they might divide the elementary from the secondary panel because this bill brought both panels, elementary and secondary, under the tutelage of this bill. In order to divide the two federations—

*Applause.*

**Mr Marchese:** Speaker, they're either clapping for you or they're clapping because Bert went away; I'm not sure which.

So they decided to divide and conquer once again. They said—and this is where the minister is good. She's good, I've got to tell you. Unless you have other advisers who are equally good, God bless, because Tom Long is no longer there, and I'm worried. By the way, to side-track, I'm really worried. Ever since Tom Long got into that campaign, you guys have been getting into trouble day in and day out. Please bring him back. Walkerton might not have happened if he were here, or this attack on you guys might have been curtailed by at least a couple of weeks if he were here. Bring him back. You guys can't afford to lose him. Mike, I'm worried for you guys. Bring Tom Long back. If he wins, you are in big,



big trouble, I've got to tell you. It was just a side remark. I was worried for you folks and I thought, ever since Tom Long got into that campaign, that you guys have been getting into trouble. Jeez.

2000

Where was I? I was saying how the minister is. You are good, Minister. She said, "How do we create some dissension within the midst of the unions?" Don't forget, don't say "federations," because it's not good; say "unions." Elementary unions, secondary unions, divide and conquer, make sure the elementary people are happy that the minister listened to what they had to say so they're not siding with the secondary panel, so that you make sure that in the event there's some trouble with the secondary level, you don't have to apply the same measures to the elementary level, so you keep them all happy. That's brilliant. That's really good. So she listened to somebody, obviously. One of the elementary federations must have been very effective in talking to this minister, and it worked, right? Divide and conquer—beautiful.

I was asking you a question today, you remember, Minister, on the Boy Scouts? I said, "My God, they have billions of dollars to give to the corporate sectors". Five whole billion bucks, big bucks, a whole lot of zeros, right? Five billion bucks to the corporate sector, yet we can't find any money for education, for health, for social services. We can't find any money. We found one billion bucks to give away, 200 bucks to each working individual so we could buy their vote. I say it's too cheap. I urge you, taxpayers of Ontario, don't sell your souls for 200 bucks; it's not enough.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** How much?

**Mr Marchese:** I could be bought off for \$100,000, I think.

I've got to tell you, some guy on the radio station—I do a CHIN program—said, "If I was given \$200,000, I would be bought off easily. But 200 bucks is a lollipop. Please, you're embarrassing me, right?" He said: "You think you can buy me off with a lollipop? Sorry, 200 bucks is not good enough; \$200,000, maybe we could talk." That's what he said. The point is that he was exposing you guys?

OK, so one billion to give away, just to buy a few votes. And by the way, Mike, you did a good job making sure they get the cheque in the mail. It's good. You send the cheque in the mail, so when someone who is making about \$25,000 or \$30,000 receives that 200 bucks he says, "It's 200 bucks; better in my pocket than the Tories' pockets."

**Hon Mrs Ecker:** Are you going to give yours back?

**Mr Marchese:** No, that's not the case I make. Minister, stick around. Don't go away. I'm going to make this point for you. Don't leave. I need you here. I say to you, Minister, and I say this to the Premier, who is here today, you should have used that \$1 billion you have given back to your taxpayers to reduce the debt. Your

taxpayers want the debt to be reduced and I say to you: Reduce the debt. Don't try to buy them off with 200 bucks.

That's what they're asking of you. But you don't have that kind of fortitude to be able to do that. You want to be able to play the game. "Yes, we'll deal with the debt later. At the moment, we've got to buy your vote for 200 bucks." Taxpayers, this is how they deal with you. Aren't you somewhat ticked off that they'd buy you off so easily with 200 bucks? I would be, as a taxpayer. I would say to Mike: "Reduce the debt, Mike. Please don't try to play with me for 200 bucks. You ain't going to buy my vote with that." That's what I expect of the taxpayer, because I think some of the taxpayers out there are smart, ought to be too smart to be able to play into this game. You've got to say to Mike, "We're not playing this game." But they are, I guess; they're trying.

Then I think of this government that says: "We're here as the non-government coming to fix government. We're here to fix things." I was thinking of Mr Andersen's consulting firm the other day. The corporate sector loves these guys. You know why? Because they can suckle so well from the bosom of the Ontario purse. See them suckling until they get fat, suckling from the bosom of the Ontario purse that the Premier and the minister so willingly give away. They give our money away to the private sector as if there were no tomorrow. Oh, but you mustn't tell the folks that they're wasting money. Oh, no siree. Other governments waste money, but not this government. So they have a fine little deal with Andersen Consulting.

By the way, these guys are Americans. Do you know how much Arthur Andersen takes home across the Buffalo border every day? Half a million bucks. That comes to \$180 million, right, John? I could be wrong. Give or take? Can you picture Mr Andersen with a briefcase full of money, half a million dollars a day, walking across the border with a big, heavy suitcase of Canadian money, right, that they take from Canada—Ontario—and walk across the border with every day? Half a million dollars a day—Andersen Consulting.

It's not good to be a socialist, suffering so much all the time, right? I want to be one of those consulting firms suckling from the public purse. I want to do that. I am sick and tired of the poverty in Ontario. I'm sick of it. I want to be able to just suckle so easily from Mike Harris's Ontario bosom there as they just keep it coming—

**Hon Mrs Ecker:** Be careful where you're going with that.

**Mr Marchese:**—snorking at the public trough. Can you see those little piggies snorking from the public trough, half a million a day in a big suitcase, Canadian money going across the border to feed the American economy? It's lovely, it's so good. You can be rich in this province if you're one of those types of consultants. The richer you are, the more money you make. Do you remember that? The richer you are, the more money you make. All the working men and women understand that one. But you can do that in a Tory government.

*Interjection.*

**Mr Marchese:** Let me finish with this and I'll get to the Ontario Realty Corp.

Arthur Andersen, God bless him. Andersen Consulting hiked its fees up to 3% for staff billing hourly rates of \$105 to \$560. Man, oh man, wouldn't you love to pocket that kind of money every hour? I would.

The Provincial Auditor, Erik Peters, yesterday released a report charging that the problems with the deal persist and in some cases have been exacerbated even though the government conceded a year ago it was mismanaged and promised to renegotiate it. Enough of Andersen Consulting. The good taxpayers of Ontario and the good citizens of Ontario understand what I mean when I say that there are a whole lot of rich people snorking at the public trough every day, half a million a day, snorking and suckling from the public purse.

I am worried about Walkerton, as I am worried about the educational system. The two are very synonymous and I'm going to explain how. In Walkerton we have seen contamination of the water directly connected to this government even though Mike, mon ami—who is about to leave us because he's had enough of me; I understand—blamed it on the NDP government, then blamed it on the fact that perhaps the municipalities weren't doing their job. He said maybe they won't get the money if they don't do the infrastructure stuff. Then he said, "We're going to give you some money, but if you sue you're not going to get any more money," desperately trying to fix that problem. Now the Premier's saying, "Heck, we're not going to hire more people until this inquiry is over." This inquiry's going to be over three years from now, but I've got to tell you what Mike is going to do.

You can bet your boots Mike went to the civil servants, the deputy minister, the minister and everybody down and said to them: "You had better fix this problem before the inquiry is over. I don't want any more contaminated water, not just in Walkerton but any other surrounding community out there. You put the money in there and fix that problem." Don't you think Mike already did that, while all along saying: "We don't need any more staff. No, no, more staff wouldn't fix that problem?"

And he's saying the same thing in education. He's saying the quality of education has not been affected by the \$1.2 billion cuts they have made to the educational system.

**2010**

Now the minister, with her usual silkiness, says, "We haven't cut any money," and we say, oh yes you did. That's why you centralized financing, so you could squeeze education a little bit, squeeze until there is pain, while all along saying, "No, everything's dandy. Quality's good, the kids come first, there are more teachers than ever before, class sizes are down"—you know, the usual stuff.

Walkerton: We saw the immediate effects of the Walkerton disaster in terms of what it did to their water and how it's affected their community. We will see the

same thing in education, except it won't be so dramatic. You won't see it right away. You will see the quality drop, not this year and not next year, but you will see it dropping in time. Then people will be able to make the connection between your cuts and how water and our health are affected, how our educational system is affected, how our social services have been decimated to the extent that it's affecting the quality of our life. People need to experience the disaster before they can say, "Ha, now I see the connection of the cuts," but they can't see it until they're directly affected. But the good people in Walkerton have been directly affected. I tell you, they won't forget and surrounding communities won't forget and a lot of Ontarians won't forget.

You have been spared from dealing with the Ontario Realty Corp because of it.

*Interjection.*

**Mr Marchese:** Speaker, I'm trying to draw connections. They're all interconnected.

The Ontario Realty Corp: Here is another place where a number of private individuals—you know, the private sector—were suckling from the public purse, where they were making big bucks from this government, which so desperately wants to get rid of our land, our public land, and give it away dirt cheap so that the private owners can flip it and make millions of dollars. It's nice to be rich, because in this province under the Tories you can always get richer. It's lovely. It's good to be the private sector here.

You know who it's not good for? It's not good for welfare recipients, who've had a 22% drop in the income they used to get, whose quality of life has been seriously eroded because of it. It's not good for teachers, whose quality of life has been affected and infected since 1995. It's not good for labour or unions at all since this government came into power. It's not good for squeegee kids, I've got to tell you, not good for them. It's not good for poor people.

Wages have been going down. People have been working longer and harder for less. Stress has been going up and families can't cope any more. Families, you know you can't cope. If you are a working person, man, woman, husband and wife, partners, you can't cope with the stress any more. I see it in the public sector, where thousands of people have been laid off, doing more than ever before. You get home and you are required to work on that computer to finish the work you couldn't do from 8 am to 7 pm, so you have to rush home and finish the work on your computer. Good citizens, you know what I'm saying, and that's what they're requiring of teachers.

Instead of the working class, which includes teachers, saying, "We won't take it any more. We are all under stress, and it won't help to load fewer people with more stress because it's not going to help the quality of life for anyone in Ontario," instead of saying that, the brilliance of this government is to say, "You, working man, you work hard and teachers don't. You work hard, so you want to attack the teachers because they have the summer off."



That's what drives the politics of this government. What drives the politics of this government against teachers is that the Tories hope that a significant number of people out there still believe that teachers are not working hard enough. That's what's behind the 6.67 instructional time to get them to work more. As you save millions and millions of dollars by firing teachers, as you save doing that, you stress the people who remain behind to teach more students.

Poor teachers of this system. Do you know what I'm sad about? Good citizens, those of you who are teachers, 30% of you voted for this government again in 1999. Those of you who are watching who might be teachers, I say to you, you voted for this government again. Will you still continue to vote for them after all they've done? And will you, next time they attack somebody else in society, stand still and say nothing? Will you go back to your own homes and decide, "Somebody else is being attacked and we don't have to worry about that"? Will you witness the kind of pandemonium we had the other day, where people out there were protesting for the homeless and for those who lack housing? Were you saying that they are the problem, that it's not Mike Harris aggressing against the poor and the homeless, that it's not Mike Harris causing the violence against the poor and the homeless, that it's the very people who are desperately working on behalf of those who are victimized by this government who are the problem? Are you one of those who say they who support the homeless and the underhoused are the problem?

I hope you're not one of them. I hope you're able to make the connection between one victim and another. We are all victimized by the same government, so when you see this government going after welfare and when you see this government going after teachers and when you see this government going after squeegee kids and when you see this government going after judges because maybe they're not tough enough against some of those who misbehave in society—when you see that, make the connection. There is an agenda here. There is an agenda that victimizes a whole lot of people, and they're hoping to divide and conquer as they do that.

This government commits the damage and then worries about how to repair it later on. What is most insidious about this government is that they give no thought to the consequences of their bills because their bills are so desperately political that they don't care about the consequences. They will deal with the consequences later, hopefully, in their minds, after the next election. That's the way they operate. What we need to do, citizens of Ontario, those of you who are watching, teachers and non-teachers alike, is to become part of a resistance movement. You have to become part of a movement. We can't do this alone. You can't simply, watching the opposition deal with these problems, think that we can solve it for you. You have to be part of a movement to attack the Minister of Education and others as they bring about bills that are an aggression and a violation against teachers and students and parents and

trustees. You have to be part of a resistance movement. There is no other way to solve it.

They have squeezed boards through Bill 160, where boards were powerless after Bill 160. They took away the power they had to raise money. They're collecting the money now and trustees have no more flexibility to do anything to address their problems. They're all done centrally now. They're all done by the Minister of Education. Camera, zoom in on the minister; she's over there. Zoom in over there. She is running the show. Cameras, over there. She is running the show by herself. She's talking to the union boss; I can't believe it. She's talking to one of the union bosses; I can't believe it. They have centralized financing in the hands of the minister, in the hands of Queen's Park, in one woman's hands—it could be a man another day, but at the moment it's in her hands, centrally. Trustees are powerless. She's got all the power. It says so in the bill.

Bill 74 decapitates trustees. They are powerless. They have no more power to dissent, no more power to object, no more power to move motions saying they disagree with the minister, because Bill 74 says they can be fired, fined for the measly \$5,000 they make, or they can be let go, won't be able to run for five years, because she says so. Those who are democratically elected by the electorate, trustees elected by local people to worry about the educational system, have no more power. They can't dissent with anything connected to this bill. That's the most draconian part of the bill.

Three parts: The teachers will, by force, do extra-curricular activities, of which they now say, "Suspended until you misbehave, and then the guillotine goes down." It's worse than before. I suggest to you it's worse than before. I'd rather you impose it now than to have the fear. I'd rather you did that than to have the fear, than to keep me silent, than to keep me quiet, than to say, "You better behave or the guillotine comes down." I don't want to live with a guillotine on my head, and neither do the teachers. Instructional time: Fire 2,000 teachers while all along you say, "We're not firing anybody." Third, decapitate the heads of the trustees. They're all powerless now. They should all resign en masse. They are useless. They are the foil now to this government. They are there to do the bidding of this minister. They don't have any independent power any more.

Why would you, in all decency, you trustees—Tory and non-Tory alike—stay in the boards when you no longer have any power? Why would you? I would resign in mass protest as a way of sending a message to this government.

## 2020

Poor teachers; the bill says that a teachers' bargaining unit or members of that unit can be changed without teachers having a say. Think of that: The bargaining unit or members of that unit can be changed without teachers having a say; all of that power in the hands of the minister who's right here talking to the union boss. Good citizens of Ontario, good taxpayers, she is above the law. The law says she overrides the law, the law cannot override her. That's what the bill says.

Central control in the hands of one person while everybody else is a little puppet—the little trustees across Ontario, like little marionettes just dangled along by the central power of this one woman. Resign, trustees. Resign en masse across Ontario. She is using you as a foil. She is using you to do her bidding. It's against the law to protest. You cannot in all conscience remain as a trustee, because you can't serve the people any more. You've got to resign. You have to resign, in all good conscience.

Boy Scouts, Girl Guides, Toronto board of education—I asked this question today. I said to her, "It will cost the Boy Scouts and Girl Guides \$100,000 to pay for the use of the schools." All the while, all this long time, this board has said to them, "We are giving you reduced fees because we know all the good work that you do"—reduced fees for a long time. Now they've said: "In order to abide by her laws—Bill 160, the funding formula, Bill 74—in order to abide by all these laws, we cannot give reduced rates any more. We have to charge the rate that we charge everybody else because we don't have any money any more. They've squeezed us dry."

So they're going to have to charge the Boy Scouts and the Girl Guides levels of money they don't have. And so who will be there to do the good work? Who will fundraise for these people? Boards of education can't do it any more. Who will help them out? Parents are fundraising till they drop, and they're sick and tired of fixing your problems. Teachers are sick and tired of fixing your problems. They're not going to do it any more. And if they don't do it any more, the quality of education is going to go down.

Good citizens of Ontario, teachers are leaving by the hundreds every day in protest. Teachers who have 20, 30 years' experience are leaving early. They are taking that window and they're leaving because they are sick and tired of the minister, and they're sick and tired of the Premier and this government.

And you know what? The minister loves it. Because these people who are paid at the highest level will be gone. And so they say: "Oh, it's OK, we'll hire the young ones. We'll pay them half of the money. We save a whole bundle of money. We collect it; boards don't collect it any more. We collect it and we save. So if teachers leave, God bless, we'll have more money to take away from them, so we can give to the corporate sector five billion bucks they so desperately want." Because they haven't been doing well in the last five years. They've been dirt poor in the last five years. They've been going genuflecting to Mike Harris, saying, "Mike, please, we are desperately looking for more money because we haven't made enough profit; 23% is not enough." And so they came to Mike, and Mike said, "OK, we can help you out, we've got a few bucks"—five billion bucks.

Teachers are leaving by the hundreds. Principals have left since you took them out of the bargaining unit, and the ones who are left are so inexperienced. Some of them have only five, six, seven years of experience and are

taking the job of a principal. Good citizens, good taxpayers, good principals are leaving. There is no more experience, no one to manage our schools because they left under this government. They've left and they're leaving, and the ones who remain behind are so inexperienced they can't help the teachers out. Teachers are leaving the profession, and those who are young are leaving the profession because they're sick and tired of being punished by this government.

I have so many letters to read and not enough time. From a good teacher whose name is Marylou Tompkins—I apologize, Marylou Tompkins, I don't have the time to read your letter. I apologize to Julia Saunders; I don't have time to read your long letter as well and your denunciation of this government. I don't have time. They shut this place down. There are no more hearings. There is no longer any democracy. There's nothing left any longer. We are on our own. So those of you who are watching, you need to become part of a movement. You can't sit back at home and say, "Somebody else is going to do it for me." You can't. If you're not part of a resistance movement, we won't be able to change the direction of this government. These people are taking us to the gutter, to the compost heap. That's where they're taking us, and if you don't fight back, if we don't collectivize our energy—and I've got to tell you we have a lot of power. You have a lot of power if you fight back, but if you sit at home deciding somebody else is going to do the fighting for you, this government will continue to victimize you and the rest.

The quality of life will go down, and it's going down in a good economy. They are killing us in a good economy. Imagine what will happen in the next downturn when there is no more money and \$8 billion or \$12 billion is going to the corporate sector and to the income tax cuts that this government has instituted. When there is no more money, imagine what will happen. You've got to fight back. You've got to organize. You've got to become part of a resistance movement in order to resist the evil of this government. I say "evil" because it is that bad. Homelessness is bad, people without housing, people with mental illness and no support. It's going to the dogs, all under this government, all in a good economy. What will happen when the economy turns for the worse?

**Mr Dalton McGuinty (Leader of the Opposition):** I want to begin my remarks tonight by thanking my colleague Gerard Kennedy for the very hard work he's done in representing our interests in connection with Bill 74 and education matters generally, and for the work that he's done in organizing our Liberal opposition party hearings, which were instrumental in helping us to gain a still better understanding of the shortcomings of this bill and of the concerns that have been expressed by so many defenders and partners in public education who feel they have been shut out of this process.

Much has rightly been said by way of criticism about Bill 74 and about the many fatal flaws found within it. If you take the time just to scan it very quickly, the



language is so telling. I believe that the only way we can deliver quality education in Ontario, inside every classroom, inside every school, inside every community, is by means of a partnership, the partners being parents and teachers and trustees and of course the provincial government.

This really is more like a list of edicts together with punitive provisions. It talks about co-instructional activities. It talks about minimum teaching assignments. It talks about the ability to abrogate collective agreements. It talks about compliance with board obligations. It talks about investigations. It talks about complaints re conventions, grounds for complaints. It talks about effects of complaints, appointment of investigators, powers of investigators.

**2030**

It talks about the minister's powers on reviewing reports. It talks about "minister to have access to all records," powers to enforce directions and orders, liability for non-compliance, personal liability and disqualification of members of boards, dismissal of officers or employees, no indemnification, and injunction against exercise of board powers.

This is found in policy affecting education in Ontario. When I was practising law, wording of this kind would be found inside the Criminal Code. Here we have it within a document which purports to alter in a fundamental way how we deliver publicly funded education in Ontario.

I talked earlier about a partnership, and if there was any semblance of a partnership remaining here in Ontario when it comes to delivering public education, Bill 74 then drives the stake into its heart. There is no partnership any more in education in Ontario, and our children will pay the price as a result.

The partnership I speak of is one that is founded on trust and respect. That's not to be found anywhere. Those values and those notions are not to be found anywhere, either explicitly or implicitly, in Bill 74.

On top of that, the partnership of which I speak exists because of a shared higher interest, among the partners, in our students. Because that partnership is lacking, as I said, we are short-changing our children, whose interests demand that we work together.

I can tell you as well that as a result of having had the opportunity to spend eight hours at the hearings in Ottawa and four hours at the opposition party hearings held here in Toronto, one of the things that you quickly conclude is that there is a terrible state of morale when it comes to our teachers today in Ontario.

You could think of the Ontario education delivery system, so to speak, although I hate to use that collection of words together, as a car or a vehicle. Public education is the car that we put our children in for 14 or 15 years of their life. It's not so much the car itself that's my concern here, it's not so much the various options this government keeps adding on to the car, it's not the varying colours of paint they want to slap on the exterior of the car; it's the tires I'm concerned about. That's where the

rubber meets the road. It's what education and schools and our classes rolling along.

The tires are wearing down. It doesn't matter what you do in terms of adding on new options or slapping on new coats of paint; the tires are what the car rolls on, and our teachers are the tires. Our teachers are wearing thin. They are tired; they are demoralized; they are close to the breaking point in terms of just how much more weight, how many further responsibilities they can carry on their shoulders and still do justice to their students.

I note with interest that some of the ministry staff are here, paying very close attention. I appreciate that; I want to let you know that.

It is remarkable, the number of teachers who spoke in terms of a calling and who spoke in terms of a vocation, a word which to probably many people seems rather outdated and old-fashioned. But I was continually impressed with and amazed at the number of teachers throughout our province who remain so committed to their jobs, who are so dedicated to their students.

At the same time, I was deeply disappointed and angered to witness the continuing corrosive effects of Mike Harris policies on our teachers. The combative approach brought by this government, the confrontational approach brought by this government is wearing our teachers down. It's eating away at their energy, at their drive and at their desire to get up every morning and go to work. I may be the leader of my party but, first and foremost, my greatest responsibility is as a parent. As a parent of four school-aged children, I want somebody in the front of my child's classroom who is committed, energetic, enthusiastic, feeling valued, feeling appreciated. I don't say that for the sake of the teachers; I say that for the sake of my kids. If the teachers are feeling good about themselves and appreciated and have the necessary tools to get the job done, including, by the way, the necessary time needed to get the job done, that's in the interests of my children and, I would dare to say, in the interests of all Ontario children.

I can recall one teacher in particular saying to me that Bill 74 isn't going to mean he'll have more time with his students. He said, "It means I'll have less time with more students." That's what Bill 74 is really all about, government spin notwithstanding. So I ask, how is it in my interests as a parent that it is a good thing for my kids' teachers to have less time to spend with them? How is it in the interests of Ontario children generally for their teachers to have less time, henceforth, to spend with them?

We have placed such a heavy burden on our public schools in this, the earlier part of the 21st century, with the hectic, even frantic, just-in-time lives that so many of us, as parents, lead. It's nothing less than essential that our teachers in our schools have time to talk to our kids between classes, have time to smile occasionally, have time to ferret out any problems, have time to talk to kids to get out of them what it is they're really trying to say. As a parent, I want teachers to do more than just teach. If that was what it was all about, then surely it would be so

much simpler. There's much more to being a teacher than just teaching. You need to have the necessary time and opportunities to relate to your students, to find out what is going on with them and to provide ongoing guidance and direction. I look to that from our schools. I look to that from our teachers.

Now that our teachers will have less time to spend with our children, what about those kids who need a little bit of extra help? What happens to them in this new, high-efficiency, just-in-time public education system now that teachers themselves have got to bring that frantic pace into everything they do at school? Teaching four out of four—if you can find time to go to the washroom, that in and of itself is an accomplishment. But to take time between classes and to provide that guidance and direction and be able to deal with students in a spontaneous way, that won't be there.

To me, those aspects of this bill are the most troubling of all. We can spend all kinds of time talking about the individual components and the compliance measures and the punitive elements and aspects of this bill, but what really, really concerns me, as a parent, about Bill 74 is that my children's teachers will have less time to spend with them at a time when, ideally, I'd like them to have more time to spend with them.

For me, being a teacher is a lot more than just teaching. If that wasn't the case, then they could simply punch clocks day in, day out, and they could serve their time inside their classrooms on a daily basis and go home after that and not show up a minute before that. There is important, value-added time provided by our teachers between classes, before classes and after classes, and I think a responsible government would recognize that and allow for that kind of interaction to take place. Bill 74 takes us in the opposite direction.

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The minister is fond of telling us on a regular basis that there are all kinds of new teachers who are making application to enter into the profession and that we should take consolation in that knowledge. What she doesn't like to talk about are the dramatic losses we are experiencing in terms of the numbers of our experienced teachers. Again I speak in my capacity here as a parent. I want to have around my kids' schools some people who have served 20-plus years in education, 20-plus years in front of a classroom, teaching. That is not only in the interests of my children, it's in the interests of the other teachers who find themselves inside the same school.

There is no doubt in my mind that good people, dedicated people will continue to enrol in our faculties of education, doing so because they are motivated by a desire to teach and they genuinely care about young people. That will continue to happen. But we will also continue to lose more experienced teachers who feel they are not appreciated. What we will be doing with Bill 74 is seriously limiting the potential of our teachers at all levels of experience, at all ages, to do the best job they might possibly do. That's what Bill 74 is doing. It is hamstringing our teachers. It is driving a stake through

any notion of partnership when it comes to delivery of public education here in Ontario. Quite simply, it is not in the interests of our children.

I will recommend to government members that they take the time, sooner rather than later, to come out from under cover of the usual rhetoric and attack line, especially when it comes to teaching and teachers in Ontario, and find out exactly who those people are and what they do for us day in and day out. I take this opportunity to do something that I do too infrequently, and that's to thank Ontario teachers for what they do; thank them for withstanding the attacks, for getting up every morning, going to school, teaching their lessons and taking a genuine interest in my children and all Ontario children. The Mike Harris government has made it highly fashionable to attack teaching and teachers. That is highly regrettable.

I must tell you that I look forward to a time, under a Liberal government, when we can restore a true sense of partnership: the provincial government, teachers, parents and trustees working together, not motivated by self-interest or the interests of any one member of that partnership, but working always in the better interests of our children.

I will, at the earliest possible opportunity upon forming the government in Ontario, throw Bill 74 into the garbage can, where it belongs. I look forward to that day. I say with conviction to all those partners in Ontario who are genuinely committed to public education—and we are all here, I would guess, products of that system—I look forward to the day when we can work together, not in each other's interests but rather in the interests of our children. In the interim, we will continue to fight for a healthy, vibrant, viable exciting system of public education in which all partners feel valued and remain committed to our children.

**Mr Tascona:** I'm pleased to join in the third reading debate with respect to Bill 74. I look at the bill a little bit differently than the Leader of the Opposition. I think what the Leader of the Opposition has essentially said is: "Trust us. We're going to repeal Bill 74." He didn't mention he was also going to repeal Bill 160, he's going to repeal all the education amendments that have been brought forth. He's saying to parents out there, "Trust us. We're going to start it all over if you put us into office. We're going to start it all over and get rid of all the standards with respect to education," all the standards that all the parents in this province want from this government in terms of standardized report cards, standardized testing, a funding formula where every student has the same amount of educational dollars that everyone else in the province would have, standards with respect to classroom sizes, standards with respect to instructional time, because he wants to focus on teachers and their unions.

I didn't hear too much about parents and their role in their children's education. I didn't hear too much about what the students could gain from the educational system that Mr McQuinty was proposing. What he wants us to



do is to trust him. He says: "We're going to forge a partnership. We're going to be able to bring about this partnership." At the same time, he doesn't bring forth the plan, because he has no plan. It's the typical Liberal rhetoric that we listen to from Chrétien and the federal Liberals: "Trust us. When you put us into power, we're going to deal with the GST. We're going to repeal it." They didn't repeal the GST. "We're going to make sure we're not going to get into any free trade agreements. We're going to make sure we're protecting you with respect to a North American free trade agreement." What did he do? Basically, they brought it in. They didn't do anything with respect to that. When you look at the federal Liberals and you look at the provincial Liberals, they want us to trust them. They think they're the people who have all the answers and they think they're on the side of righteousness because, quite frankly, they're Liberals.

When you listen to Mr McGuinty, the Liberal opposition leader, he talks about an automobile and that tires make an automobile go. I know a little bit about automobiles. It's an engine that makes an automobile go. It's not the tires. The bottom line is that the foundation of this system in this province is based on parents and students and the teachers who make this system go. I'm not going to focus on trustees like the Liberal opposition leader. I'm not going to focus on the trade unions as he likes to do. I'm going to focus on what this bill is about. There are a lot of myths, there is a lot of misinformation out there and there's a lot of rhetoric coming across from the other side. I want to focus on what we're dealing with here. He says, "Oh, children will have less time with their teachers." He says it in such a sincere way, I think he's been studying Bill Clinton about sincerity. We know how much sincerity we have with Bill Clinton.

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I have children in the school system. I'm a parent and I like the direction this government's taking my children and the standards they're trying to set. I believe in testing. I want some accountability in the system.

In terms of children with less time with their teachers, we're trying to reduce the class size, and we have done that. We've reduced it in the elementary sector. We've reduced it to 24 students from junior kindergarten to grade 3, we have set it to 24.5 students on average in grades 4 to 8, and we've reduced it to 21 in the secondary school panel. The fundamental reason why we had to do that is that the school boards and the trustees and the teachers' unions—the true partnership that the Liberal opposition leader recognizes, not parents and students—were increasing classroom size in exchange for compensation. Well, we put a stop to that, so teachers can have more time with their students.

There's a lot of other myths. I was at the same hearings that the Liberal opposition leader was. He was there all day with Mr Kennedy, listening to what was happening. What I heard was a lot of rhetoric from teachers who appeared in front of the hearings, that they were going to go to the United States. They wanted to

teach in the United States. All we've ever heard are criticisms about the United States system, but they want to go. Well, I say to them, in the system we have put in place we're seeing more people interested in getting into our teachers' college. We have a 40% increase in applications for teachers' college for the coming year. It's anticipated that close to 7,000 new teachers will graduate from the faculties of education this spring, and between the year 2000 and the spring of 2003 we anticipate the faculty of education will graduate an additional 18,900 teachers. So there is a strong interest in the teaching profession in this province.

I think that was typical rhetoric we heard the other day with respect to teachers wanting to go to the United States. Quite frankly, the United States has a system in place. We have a free country, we have free trade, and if someone wants to teach in the United States, they can teach there. If Americans want to come up here and teach, I imagine they would want to teach in our system. So I think what we're hearing about teachers taking jobs in the United States is a lot of rhetoric, because the fact is it's not happening. That's just typical rhetoric.

Another thing I want to address is misinformation set out there in terms of spending that has been put in place with respect to our education system. Bill 74 does not contain any provisions which would result in the reduction of funding to school boards. In fact, the exact opposite is true. The 2000 Ontario budget announced \$101 million to reduce average class sizes in junior kindergarten through grade 3. In introducing Bill 74, the Minister of Education, Janet Ecker, announced a further commitment of \$162 million to reduce secondary average class sizes from 22 to 21. We have standardized class sizes.

With respect to instructional time, we have a situation where what we're asking secondary school teachers is to teach to the average in the country. The elementary panel teachers are already doing that. I had a conversation tonight with retired teacher in the elementary system. He said to me, "I taught elementary, I taught secondary, and quite frankly, it's much more difficult to teach elementary."

Why would you not want your secondary school teachers to teach the same amount as they do in the rest of the country? In fact, we had grade 13; we were the only jurisdiction in North America that had grade 13.

When you're dealing with secondary school teachers, there's no doubt that the standard that's expected in terms of this bill is 4 hours and 10 minutes a day, which is being measured in terms of the classroom complement of 6.5 with remedial instruction of 0.17 making it 6.67 classes. That's bringing them up to the standard across the country. That is a standard that I think everyone respects. The more time that the teacher can be with their students, the better the students will be. I challenge the opposition to bring out some statistics, or whatever they want to bring out, that that's the wrong approach.

We want teachers to be in the classroom. We want more money to go into the classroom. That's why one

other aspect of the bill, the third aspect of the bill, is dealing with compliance. What we're asking trustees and school boards to do is to ensure that they adhere to the standards we have put in place with respect to classroom time and instructional time and in dealing with our funding formula. That's the plan we put in place to bring accountability to taxpayers and to bring in a process in which they have some say in the system.

The Liberal opposition leader says: "We're going to just get rid of that at the wave of a hand. We're going to get rid of it. Why? Because we love teachers' unions and we want to make sure we can start all over again. We want to start all over again. Just put me in." Well, what we've heard from parents is that they want standards across the province to make sure they know that their children have a quality education and that they're being tested, to make sure they know they're getting an education. That is something we know teachers play a pivotal role in.

I'm a Rotarian in the city of Barrie, and we have an award we give out to recognize quality teaching. It's a Teacher of the Year award, which this past week went to a worthy recipient by the name of Kit Davis. She taught 32 years at King Edward Elementary School, and we recognize that. She was a tremendous teacher: 32 years of dedicated service. I can tell you, she loves the teaching profession and she loves her students and she doesn't have any time for the nonsense going on in this House with respect to misinformation.

Bill 74 is not going to limit the potential of teachers. Such nonsense. I cannot believe the Liberal opposition leader would be saying that. I was at the same hearings that he was in Ottawa and, quite frankly, all I ever heard him talk about was coaching, his theory about leadership and his theory about motivation. If I look to a leader in terms of motivation and leadership, I look to Vince Lombardi. I think he can tell Mr McGuinty a lot about leadership and motivation.

**Mr Agostino:** I thought Harris was your leader.

**Mr Tascona:** He is the Premier of this province, Mr Agostino, and I think he's providing great leadership with respect to this bill. In terms of sports coaching, Mr McGuinty, you're going to have to learn something about what's going on in the real world, because it's much more than motivation, it's much more than just showing leadership. I can quote a credo from Vince Lombardi, when I was reading about his life: What separates great coaches from just average coaches is that the great coaches, just like this government, know exactly where they want to go; they have a plan.

This is where this government's going with respect to our education reforms. We, very simply, want to make sure that we have a quality education for students. We want to make sure we have standards across the province with respect to funding, in terms of classroom time and in terms of instructional time; standardized report cards; testing. We have a plan, and it's a fair plan. My riding has benefited tremendously, and the member for Simcoe North can attest to that, with respect to a fair funding formula.

I can understand the Liberal opposition leader having a little bit of problem with that, because the city of Ottawa was self-funded with respect to their education system, and the same with the city of Toronto. I can understand the members. They didn't need to rely on any dollars other than their own tax base. We're not that fortunate across the rest of the province. That's why I like the funding formula that's in place, because that provides equalized funding across the province for every student. That's the way it should be.

When we talk about the reforms, just last week we passed Bill 81, the Safe Schools Act, dealing with a safe environment for students to learn and for teachers to teach. How can you have difficulties with that, with respect to a safe school environment and making sure that across every school board there's a provincial code of conduct to deal with the type of activity that can detrimentally impact a learning environment?

**2100**

I can stand up here as a parent and I can look the Liberal opposition leader in the eye and I can look the Liberal opposition critic in the eye, because I am proud of the reforms we have brought in. I am proud of our minister in terms of the hard work she has done. I am not prepared, like any other parent in this province—parents do not want to start over with respect to educational standards and the quality initiatives that we have taken. They do not want a leader who just stands up and says: "Trust me, I'm a Liberal. I'm going to repeal everything because that's what is the best thing for you." Parents want something better.

**Mrs Sandra Pupatello (Windsor West):** I regret that we don't all have more time to speak to this bill. It has an enormous impact on the schools in my riding.

On Monday we had our own forum, our own hearings on this bill at the Windsor board of education because the government refuses to come to Windsor to hold hearings, which is most unfortunate. Our school boards in Windsor have had significant cuts to their budgets, even though we as school boards in our area have more children at risk than most places in Ontario.

While I listen to members opposite I often wonder if they would get their head out of the sand. If they would do a little bit of travelling around Ontario to see how some of the schools are suffering under their new school funding formula, they would then understand that it's not so rosy, that your own political staffers are not giving you accurate information, that we in fact do have classrooms without enough textbooks. When I talk to people in my riding when we're out and about, whether it's at events over weekends, when I talk to parents, here's what parents say to me: They tell me that they cannot believe how stressful it is for their children in the classroom today, especially for the grade 3s, for example, in preparation for their tests, and that these young kids are undergoing more and more stress because the teachers are only preparing for the tests and these kids think they're going to fail.

Then I hear from parents about the voluminous amount of homework these young children are bringing



home in grades 1, 2 and 3. Maybe that's the way of the world. Maybe someone up there says it is appropriate for a six-year-old to be spending an hour or two hours a night on homework at home. What I say to these parents is that it's totally inappropriate for six-year-olds to be doing this level. What it tells me is that the Ministry of Education has so ill prepared school boards for the curriculum change, that they've provided textbooks—first, not enough of them, and second, not in the right time frame—that they've changed curriculum across the board, that they've introduced such massive change so quickly, all in the same school year, that our teachers are frazzled and our students are frazzled. Our parents don't know how to respond and they're all asking questions: "Who's in charge here?" That's what they want to know.

I ask the parents, who know their children best, just one thing, "Is the school system better today than it was before the government took office?" Not a parent I have met has said the answer is yes. Every single one of them has more questions than answers. Every time they take the time to go to a public meeting, to send a letter to the government, all they get back is a bunch of gibberish that never addresses the issue. Their real concern is that their children are doing better today than they would have before this government took office, and the answer to that is no.

I tell the government that they should slow down, that they shouldn't make the kind of changes they're making at this speed, that they ought to be funding at more appropriate levels, that they ought to take the time to listen to parents and see what they truly have to say.

One of the best presenters on Monday evening in Windsor was from the Windsor Council of Home and School Associations. They spoke about how deeply concerned they were about what our schools will be like when this bill is implemented. The whole item of extra-curricular activity—it was just made a big joke that the day we did our hearings the minister came out and held a press conference as though that weren't really the case any more, that they weren't really dealing with that issue. The truth is that that issue is still very much alive in Ontario. The last time I was principal for a day at my old high school, Kennedy, those teachers as a group, as bad as it's been in the last five years, I have never seen them more demoralized than I have seen them in the last several months. That is going to have an effect on their teaching ability, whether they like it or not, and I fear for what the students are going to be able to get out of the school.

I remember well when those students were right here; the student leadership came here to speak to the government. They came back and they said: "I don't believe what this government is doing to us. They're not doing this for the good of the students."

On that note, I applaud the people of Windsor who take the time to speak out against this bill and I urge the government to reconsider and to not pass Bill 74.

**Mr Ernie Parsons (Prince Edward-Hastings):** Our leader, Dalton McGuinty, hit it bang on when he said this

bill should be repealed. It is a deceptively named, bad bill.

I'd like to first talk about the democratic aspects of it. The earliest form of democracy in Canada, particularly in Ontario, was elected school boards. Now we have in this bill an individual, the minister, with the effrontery to say that he or she can remove elected officials. People who have been elected by their community and voting as their community directed them to can be removed from office and fined. Even worse, they can be disenfranchised for five years. What gall to say that a citizen of Ontario does not have a right to stand for election by their peers and to be elected to a public office.

This is absolutely unbelievable to me. It is easy to stand back and say, "Well, it's only school boards," because this government has bashed school boards year after year after year. But if it can work for school boards, it can work for elected councils. There is absolutely no end to the centralization of power that can take place with this.

I suggest that there is considerably less accountability, rather than more. School board trustees can be confronted or talked to in their driveway or in the grocery store or at work or anywhere in their community. Try to get hold of the minister if you're a parent and you have a concern. In the school board to the west of me, Kawartha Pine Ridge, the public wanted a meeting with their elected MPPs, who refused to attend. They said, "There's nothing that we think will be productive out of that." If that's accountability, I think that's a pretty good example of what we're going to face in the future—absolutely no opportunity for the parent.

When a school board has its powers taken away, then we see that although the rhetoric may give them power, the parent councils, which influence the school board, have lost virtually all of their influence. We see the continued concentration of power in Toronto.

A lot of work has gone into this. We've seen careful, calculated moves over the last five years to give no credibility to teachers, to give no credibility to school boards. But if we go back to the parents who spoke to the Royal Commission on Learning some time ago, they said, without exception, that their school is a good school, and that is because of the teachers, because of the school boards. No one disputes the quality of the teachers we have in this province, other than the artificial crisis we've seen created.

Visit a school. If you're a non-parent in this province, visit a school and you will see that it is not broken. The graduates coming out of all of our universities and colleges in Ontario are a reflection of our secondary and our elementary system, with dedicated, caring staff who have made them successful. It is beneath the dignity, I believe, of this government to do what they're doing to demean the teachers in this province. This is a bad bill. It simply should not go forward.

**Mr Michael Bryant (St Paul's):** I rise today as the son and the brother of two great teachers, raised in a family where teachers received the respect they so richly

deserve, the respect that has historically been allocated to teachers, this profession in our society. In other times and in other societies and other cultures, the teacher is literally given the role of the elder, the wise men and women vested with the critical task of caring for our children, of teaching our children, of spending more time with our children, in many cases, than their parents are able to spend with them from Monday through Friday. They have that responsibility, and as such, this calling, this vocation, has received the kind of respect and support from governments past that they deserve.

You would think that's the support that would be provided by this government. Instead, to where does this government turn the bazooka of its political arsenal? On teachers, of all professions, on the ones who are teaching our kids, and we know the price to be paid is with the families, is with the kids. With all due respect, only a half-wit would think it would be politically wise or, from a public policy perspective, wise to play the politics of friends and enemies with teachers, when in fact the group that would pay the price for it would be the kids. This has to be the most monstrous moment of Machiavellian manipulation undertaken by this government, all in an effort to steal mindlessly from the pages of Thatcher and Gingrich and borrow directly from Mike Murphy, all in an effort to say, "My enemy's enemy must be my friend, and therefore maybe there's a vote in this."

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Our teachers deserve the kind of support and respect from government that would accord someone who is sitting in the front of the classroom and playing the role of a role model, literally, within our society—but instead this government has decided that they will be the casualty of their politics of friends and enemies.

I'll say this: This bill is a monstrosity. It's a bill that violates the societal place in which the people in my riding put teachers, and I can tell you the people of St Paul's do not support this bill. I've heard that loud and clear from them from the moment that this bill hit the airwaves. I look forward to the day when Premier McGuinty and Minister Kennedy will take the helm of public education and steer it in the direction that a responsible government would steer it, instead of creating a crisis and playing the game of friends and enemies that this government plays with this bill.

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier)** : Je me lève en Chambre ce soir pour me joindre aux milliers d'Ontariens et d'Ontariennes qui pour une multitude de raisons s'opposent au projet de loi 74.

This government introduced Bill 74 in an attempt to make Ontarians forget about the \$1.6 billion it has cut out of education spending. But Ontarians know better. The uproar and opposition to this bill have been overwhelming. This government has attempted to reduce debate on this issue by limiting public hearings to Barrie and Ottawa and refusing to travel across Ontario to discuss this important matter with all Ontarians.

Malgré, ou peut-être à cause d'un manque de, par exemple, consultations publiques sur le projet de loi, la

population ontarienne s'est fait une opinion, et ce n'est sûrement pas ce que le gouvernement Harris attendait.

Il faut souligner que parmi les amendements à ce projet de loi, il n'y a pas eu de modification aux articles ayant trait à l'augmentation du temps d'enseignement et à la capacité de la ministre d'enquêter sur un conseil scolaire ou d'en prendre le contrôle. Nous savons que les dispositions forçant les enseignants et les enseignantes à s'associer à des activités parascolaires font toujours partie du projet de loi. Le seul amendement est que le gouvernement a promis de ne pas mettre en oeuvre cet aspect de la loi à moins que les enseignants et les enseignantes ne se retirent de ces activités dans le cadre de moyens de pression pour condition de travail.

Le gouvernement mine profondément l'enthousiasme avec lequel les enseignants et les enseignantes exercent leur profession auprès des élèves. C'est une mesure punitive qui balaie d'un seul coup la bonne volonté avec laquelle nos enseignants et nos enseignantes organisent et encadrent depuis des années une multitude d'activités parascolaires.

Due to the government's mishandling of the education file, Ontario is rapidly becoming known as one of the worst jurisdictions to work in as a teacher. This government will tell us that the opposition to this bill is coming from pampered teachers who refuse to work beyond the hours for which they are paid. They will tell us that opposition to this bill is coming from union bosses, who refuse to let government work on behalf of the taxpayers to ensure quality of education. Ontarians, however, are not fooled. Opposition to this bill is as widespread as it is intensive. Ontarians indeed want positive improvement to the quality of their education system. Teachers are indeed open to positive changes with regard to their jobs.

But Bill 74 simply offers nothing of what the Ontario education system needs. This provincial government is using our children as bargaining chips. With her new amendments, the Minister of Education is trying to divert attention from the fact that Bill 74 still means that teachers have less time to spend with more students and even less time, if any, for extracurricular activities.

Nos classes sont surpeuplées et comptent souvent 30 élèves ou plus. Dans nos petites écoles, on retrouve de plus en plus de classes doubles, de classes triples, partout on manque de manuels scolaires, et on ne dispose pas des ressources nécessaires.

Please, I urge this government to start spending its time and resources on improving our education system, not on destroying it. Please stop picking on teachers. Give them the credit they deserve.

**Mr James J. Bradley (St Catharines)**: I am hopeful that someone over there in this government will have a conscience and that this bill will be withdrawn at the very last minute. I even wonder whether the Minister of Education supports the legislation; having the knowledge she has of the education system, whether she supports it. I know for sure the member for Leeds-Grenville doesn't support this bill because he was a progressive in education in years gone by.



Pursuant to the order of the House dated May 31, 2000, I am now required to put the question.

Ms Ecker has moved third reading of Bill 74. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. It will be a five-minute bill.

*Interjection.*

**The Acting Speaker:** I have actually two letters from whips deferring the vote till tomorrow afternoon during routine proceedings, when we deal with deferred votes.

#### TECHNICAL STANDARDS AND SAFETY ACT, 1999

#### LOI DE 1999 SUR LES NORMES TECHNIQUES ET LA SÉCURITÉ

Resuming the debate adjourned on June 15, 2000, on the motion for third reading of Bill 42, An Act to enhance public safety and to improve competitiveness by ensuring compliance with modernized technical standards in various industries / *Projet de loi 42, Loi visant à accroître la sécurité publique et à améliorer la compétitivité en assurant l'observation de normes techniques modernisées dans plusieurs industries.*

**Ms Shelley Martel (Nickel Belt):** I'm pleased to have an opportunity to participate in the debate this evening on Bill 42. I want to begin by talking to the folks out there about what the alleged purpose is according to the ministry. If you go to Bill 42 under the explanatory note, it says the following under purpose: "The purpose of the bill is to enhance public safety in Ontario with respect to the operation of amusement devices, boilers and pressure vessels and elevating devices, the hydrocarbon fuels sector, the activities of operating engineers and the upholstered and stuffed articles sector." It goes on to say that the bill consolidates many of the elements that are found in those seven statutes into one, which then becomes this Bill 42.

That's about it with respect to how the bill is going to enhance public safety. There certainly aren't any details given there or elsewhere in the explanatory notes with respect to what concrete actions the government is going to take with this bill to enhance, indeed to protect, public safety.

Then I thought that perhaps it would say something a little more intelligent on the government's Web site. I went to the news release that the Ministry of Consumer and Commercial Relations put out on December 20, when they announced this bill. There was a bit more information given there. It said in the background: "The recently introduced Technical Standards and Safety Act is intended to enhance public safety in Ontario. The proposed legislation calls for the consolidation of seven statutes." I won't read them again. They were already in the purpose clause.

This is a new paragraph: "This legislation would allow technical industries operating in Ontario to quickly take advantage of ... innovations in" public safety "and technology as they become available. Details regarding the day-to-day administration by the government's administrative authority, the Technical Standards and Safety Authority (TSSA), would be contained in the regulations.

"Currently, administrative details and industry specific safety codes are contained in the legislation and in a variety of director's orders and other documents."

**2120**

Again, in terms of what concrete actions the government was going to take to guarantee public safety, to ensure public safety, to enhance public safety with respect to any of those seven statutes and any of those seven industries, there was nothing to be found. The government did say, however, that it was introducing this legislation after two years of comprehensive review of these existing pieces of legislation. You take from that, I guess, that the government has done a lot of homework and is going to get it right with this bill. But in reviewing some of the information about the bill, I am left to say that I don't think so. I just don't think that's the way it's going to be and I don't think it was intended to be that way.

If you want to get a good idea of understanding the problems with Bill 42, you really need to go back to its predecessor, which was a bill that was passed by the Harris government in 1996. The long title appears as follows, "An Act to provide for the delegation of the administration of certain designated statutes to designated administrative authorities and to provide for certain limitation periods in those statutes." The short title of the bill was the Safety and Consumer Statutes Administration Act, and it was given royal assent on June 27, 1996.

That bill, which you really have to deem as the predecessor for Bill 42, did a number of things, but what it really did in total was to allow the government to off-load its ministerial and administrative responsibilities on to a third party and, in doing that, to really diminish the role that government has in making sure it's accountable for protection and safety standards and off-loading that on to a third party which, as we will come to in my remarks, we discover really has no accountability at all and is not accountable to any of the officers of this Legislature, for example, that other agencies, boards and commissions of this government are. What the government did in 1996, in off-loading its administrative responsibilities on to a third party, was in effect to off-load all of its accountability, all of the protection it could and should be affording to the public with respect to public safety, on to a third party.

That act did a couple of things, and I think it's worth pointing out what those things are so you can see what the problems are with Bill 42. First of all, if you look at the purpose, the purpose there was to facilitate the administration of designated acts by delegating to

designated administrative authorities certain powers and duties related to the administration of those acts. The bill then goes on to define administrative authorities and designated legislation. The administrative authorities refer to not-for-profit corporations which were established under this bill. There are now five of them in existence in the province to take on these responsibilities. The designated legislation meant legislation that was already incorporated as an act in this Legislature that was off-loaded on to those agencies. They began to assume the role and the responsibility for the same, instead of government and government officials doing that.

The result was that the government handed over in 1996 its administration of seven safety-related statutes to a newly created private, not-for-profit corporation, which was then called the Ontario Technical Standards and Safety Authority. That authority was created in 1997, not long after the bill was passed. That particular authority is responsible for the day-to-day inspection of elevators, boilers, underground facilities to store gasoline etc. It is responsible for the administration of services of all areas that used to be regulated by consumer and commercial relations with respect to safety standards.

The delegation of that responsibility from government to this authority was established through what is called an administrative agreement that was signed by both parties under the bill in 1996. The authority had its functions, its staff and all the assets of the technical standards branch of the Ministry of Consumer and Commercial Relations transferred to it in May 1997. The authority, which continues to have a lot of power under Bill 42, is managed and administered by a board of directors. They come primarily from the industries they are regulating; the staff as well as a number of statutory directors and officers for the purpose of administering the legislation that has been delegated to it. But none of these employees are crown employees.

Under section 12, the authority was also given the ability to set and collect fees, and I'll get to that later on because that has some very significant ramifications, one for a constituent I'll talk about later on. It also can set administrative penalties and any costs or other charges which are related to the administration of the legislation that's been delegated to it.

Also under section 12—and this is really important in terms of a consequence—the money that this delegated authority has the power to set in terms of fees and then collect in carrying out its responsibilities is not public money, does not come back to the crown, does not come back to the consolidated revenue fund. Instead, the authority itself may use that money to carry out its activities in accordance with its objectives, or for any other purpose reasonably related to its object.

This is what the government put in place in 1996 through its act, and we are dealing with the outcome of that bill as we deal with the new bill here this evening.

A number of problems have been identified with that bill which carry through with this particular piece of legislation. And they have not been addressed, despite

whatever kind of comprehensive review has gone on by this government in the last two years—far from it.

Bill 42, far from enhancing any kind of public safety, by repealing the seven statutes that are listed and consolidating them into a new act, in fact really removes any of the standards—safety standards, in particular—which have been in place in those existing statutes and replaces them by giving some authority to the Lieutenant Governor, indeed the cabinet, to set those same standards by regulation. That means, Mr Speaker, and you would know how this place operates, that any public scrutiny that we used to have with respect to what was actually in legislation is now removed, because cabinet of course can deal with regulations at a cabinet meeting and there is no public input and no public scrutiny and no need for public consultation. None of that has to occur. It can be done by cabinet at one of their weekly meetings, and that's the be-all and end-all of it. Then it's published in the Gazette when it's all over.

So we've got public scrutiny taken away from what really should be substantive standards with respect to public safety, and frankly, you see through that a general weakening of those safety measures because they're not in a piece of legislation any more; they're in regulations. So the authority they used to have is taken away, is detracted from in some measure, because they don't have the authority of law any more; they are mere regulations.

So we've got two problems with respect to Bill 42. Many of the standards that were in place in the seven acts that I mentioned earlier are removed, and the Lieutenant Governor, through cabinet, then has the ability to set those standards behind closed doors, without public influence, without public consultation etc.

I think it is really worthwhile for members who haven't had a chance to look at the bill to take a look at the review of the predecessor bill, the 1996 law, that was done by the Canadian Institute for Environmental Law and Policy, to understand why the public should continue to be concerned about the authority itself and what it does and what it's expected to do under Bill 42.

There are a number of concerns that I want to raise with respect to what the problems are. First is the notion that we should transfer administrative functions away from government, out of government altogether, to private, not-for-profit, delegated administrative functions. This was really given to us by a Conservative government in Alberta in 1990 that moved forward on this. I'm assuming this government took their lead from that. There are a couple of really serious weaknesses in that model. First of all, in the Alberta model, the one Ontario implemented, the government failed from the beginning to give the authority any clear policy direction with respect to what its mandate was, what it was expected to do. Not only wasn't that clearly outlined in the act itself that established the authority, but it didn't appear anywhere within the administrative agreement that was also signed by the government and the new authority. So we have a dearth of what the policy direction, the mandate, should be of that authority. As a result, you



have an authority now that defines its own course, sets its own mandate. They mix regulatory regimes with promotion of the industries they are supposed to regulate, and they try to do that at the same time, so there's an inherent conflict of interest in their mandate.

#### 2130

Second, there is an absence of any reference whatsoever to the protection of the environment in the role of the authority, despite the fact that it undertakes some very important environmental protection and regulation; for example, the Gasoline Handling Act, storage of tanks underground etc—completely devoid of any reference to environmental protection despite the important role that this authority is supposed to play with respect to those items.

In terms of the weakness in the model, the authority itself, because it was never given any clear direction in terms of its policy mandate, has actually gone ahead and engaged itself in a number of policy directions. It has developed standards which are far beyond those envisioned in the administrative mandate the government transferred to it in 1996, and the result is that you have to question who in fact is developing policy. Is it the government of the day or is it a delegated authority that isn't really accountable back to the government or to any officers of this assembly? Who's monitoring the standards development? Who can give direction to this authority when the government itself has given up so much of its ability to direct through the changes in 1996 in the act and through the absence of any clear direction in the administrative agreement that was signed with the authority?

There are also weaknesses in the structure of the authority itself. If I go to the board of directors, as I said earlier, the majority of board members are nominated from the sectors they are supposed to regulate, and the result is a potential or a perceived conflict of interest, because these directors have a dual role. They have a role as representatives from a particular regulated sector, and they also have an obligation as a director of a private, not-for-profit corporation that's supposed to oversee those regulated sectors. So from the beginning there is a problem about conflict of interest that has not been resolved in the act—it was never resolved in the act—because both the act and the administrative agreement that established the authority said nothing about potential conflict of itself. The problem is further exacerbated because neither the act nor the administrative agreement, nor even the bylaws of the authority, give any advice, give any direction to those same directors about how they're supposed to deal with situations where economic issues that involve employers from their sector come before the authority. There is no advice given on how they are supposed to deal with those things when the same employers they are supposed to regulate come before them with economic problems that flow directly from the authority and its rules and regulations.

There are some general weaknesses which have been identified that I want to review. First, the authority, as a

private organization, escapes the oversight of the Ombudsman and of the privacy commissioner. It escapes the oversight of the requirements of the Audit Act and the Lobbyists Registration Act. So you have a situation resulting whereby an accountability framework for an authority that's supposed to be undertaking administrative functions delegated to it by this government is not accountable to any of the same officers of this government that other agencies should be accountable to—the Ombudsman or the privacy commissioner. Individuals who are trying to work under that act and who are affected by the authority don't have the same protections that other individuals would have, because those protections would be applied normally, and not only applied but monitored and commented upon publicly in this assembly by other officers of the assembly. That doesn't happen with this authority.

Second, the authority was given the power to increase fees, to apply penalties etc, and what has happened, which is another weakness of the structure the government has put in place, is that it is certainly true that the authority has substantially increased its fees, but that has not translated into an increase in the front-line staff necessary to undertake the activities which have been delegated to it. On the contrary, the substantial increase in revenues that have come from fees and penalties has gone into managerial and professional staff which now have to provide administrative and legal advice that was previously provided by ministry staff. We see a huge increase in fees that has been carried out by the authority with the approval of the minister because that was required in the 1996 act, but that money has not gone into front-line staff to increase consumer protection. Instead it has gone into some of those professional services that used to be provided by the ministry and no longer are.

Given this very negative review of the previous bill, why should the public now be worried about Bill 42? Frankly, there are two reasons for that. The first is that we see in Bill 42 that most of the substantive standards that are within the existing seven statutes that are being repealed are in fact going to be dealt with by regulation. What is in the act will be taken out and what will be developed as safety standards will primarily be developed by the Lieutenant Governor or by cabinet behind closed doors. I don't think that's a position we want to find ourselves in. There's nothing in that that will protect or enhance public safety.

The second problem that flows is that because this government agency really is not accountable to any of the other officers of this assembly—ie, the Ombudsman, the privacy commissioner etc—as we move to ensure that even more of the standards are done by regulation, we have even less accountability in what this authority does and who it is responsible to. If its provisions in terms of safety standards aren't even set in the act but are done by regulation and there's not even any protection now with respect to who they are accountable to, how much will we diminish, will we weaken, will we take away from public safety?

Frankly, given the importance of public safety, given what this authority is supposed to regulate—underground storage tanks for gasoline, amusement rides etc—the government should be looking at ways to increase accountability, not decrease it, not take it away from public scrutiny. We really are moving even further down the road, from a point where in 1996 the government delegated its authority to essentially a third party to the point where now the government takes out of legislation at least the standards that should provide some protection, and will do that behind closed doors.

I have a constituent who wrote to me, who wrote to all members. Just looking at the fees I mentioned earlier, the fees for the rides that he provides went from \$25 for small children's rides to \$50 for major rides, to \$120 an hour per inspector per ride. That's one of the changes the authority made, effectively putting this gentleman out of business because he could no longer afford the inspections that were being done by the authority.

This bill is all about government off-loading even more of its responsibility on to a third party which is unaccountable to the public, which will certainly do nothing for public safety, and we can't support it.

**The Deputy Speaker (Mr Bert Johnson):** Comments and questions?

**Hon Frank Klees (Minister without Portfolio):** I listened with great interest to the member from Nickel Belt as she referred to what is wrong with this bill. I can't help but say that her remarks draw very clearly the distinction between the approach of her party to government and ours. We certainly believe and presume that members of an industry will act maturely and responsibly in administering the affairs of their industry, and we look forward to continuing to work with them in partnership on ensuring that public safety is not only maintained but enhanced.

She refers to the fact that simply because these standards will now be in regulations as opposed to legislation, somehow this now becomes removed from the government, that somehow accountability will no longer be there, that somehow, because these regulations are in a different place than they were before, they will not be adhered to. I suggest to you that simply is not the case. There's been a great deal of consultation with the industry over this approach. We have evidence in a number of other areas where the industry takes a meaningful role and an active role in administering their standards and their regulations that it does work.

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Again, what I think is being taken exception to is the fact that this will be more efficient, more effective, and perhaps that there is a more meaningful role for the industry to play. There's a benefit to the taxpayer because it will be more efficient. It will cost the government less to administer and be more effective because the industry—

**The Deputy Speaker:** The member's time has expired.

**Mr Dominic Agostino (Hamilton East):** I want to commend the member from Nickel Belt for outlining

many of the difficulties and faults with this legislation that is in front of us. Listening to the government whip, I hear a lot of the same things we heard in the early days as they were making massive cuts to the Ministry of the Environment. As they made these cuts and then went to self-monitoring, self-compliance, self-regulation, they kept telling us, "Well, industries are going to be able to monitor themselves, but they'll simply report to us at the end of the year on what's happening." We heard the same buzzwords: "more for less," "more efficient," "more effective delivery." These are the same buzzwords that the government was using really not only in the early days but in the last five years as they made massive cuts to the Ministry of the Environment.

Of course we saw how the cuts impacted in a real way in Ontario in the last month or so with Walkerton. I will get into that later, but we also saw over the years the deterioration of air quality in Ontario as this government has stood aside and has done nothing in the last five years and said to industry: "You monitor yourself. You make sure you're a good boy and behave. Don't worry, everything will be fine. Just let us know how you're doing." We've seen devastating effects. We know 1,500 Ontarians die every year as a result of poor air quality, but this government figures that if a company keeps its own records, keeps track of its emissions and then tells the government they're doing a great job, it's good enough.

You're moving dangerously. Again, you're moving in a very dangerous direction in issues of public safety, in issues of the safety of Ontarians. It's a very dangerous step and risk that you're taking, a gamble, as you took with the environment, which we lost badly, unfortunately, in this province. It's a gamble you're taking here with many issues of safety, whether it's amusement rides or it's elevators, many areas where the public looks to government and expects that the government is going to ensure that particular item that they use is safe and is not going to kill or injure them. They look to government for that comfort. They look to their government for that assurance. You're frankly getting out of the business here and turning it over to the private sector, whose only real concern is the bottom line.

**Ms Frances Lankin (Beaches-East York):** I'm in complete agreement with the comments of the member from Nickel Belt. I've got to say to the member from Oak Ridges in terms of his response to her that it's either incredible naiveté or blind loyalty to the party line.

I want to talk about one of the sections here in particular, one of the industries, that being the elevator industry. As people in Ontario have seen, we want to feel safe to drink our water. You also want to feel safe when you step on an elevator. You want to believe the cables aren't frayed. You want to believe the gears are working. You don't want that horrifying nightmare of stories we've heard in other jurisdictions where there is self-regulation, where elevators plummet to the ground and people are killed.

What I want to say to you is very serious. In this province, all of the major elevator companies, all of that



industry, have been involved for years in the development of the code and the standards. I want to tell you what has happened under your new agency. There are, what, four or five big elevator companies—Montgomery, Otis, Dover, two or three more; five or six in total. One of them in particular brought a great deal of pressure on the TSSA when they were getting code violations and other directions written up by the inspectors. The management in the TSSA went to one of those inspectors and said: "We don't want you to write directives any more when you find problems with the elevator. Just come and we'll talk quietly to the company. No directives." It was referred to as Operation Clean Sheet inside the agency. The inspector, bless him, a loyal public servant for years who carried that ethic with him into the agency, said: "No way. It's my job to do that." Then the manager said: "Well, only write absolute code violations, no warning directives." The inspector, bless him, said, "No way." But that pressure came from the board of directors and the representative of the industry on the board. You've got to recognize that without government intervention and oversight, that will happen in private industry regulation. It's not a panacea. You don't have the right safeguards in this legislation. That means public safety is at risk.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I think we should congratulate Minister Runciman on a fine job with this legislation. I hope everyone here tonight will join in passing the bill and getting Ontario ready for the 21st century.

The third party is here in full force. I wonder why, but anyway I leave it to their imagination; usually there is only one member here.

Competition speeding up the pace of business: Bill 42 provides a flexible regulatory structure which can adapt without endangering Ontario citizens.

**Mr Gilles Bisson (Timmins-James Bay):** We all came here to listen to you.

**Mr Gill:** Thank you very much; I appreciate that. Mr Bisson is here as well tonight.

Globalization demands that regulations be standardized across as many political boundaries as is reasonably possible. Governments have trouble with this, for many reasons. The Technical Standards and Safety Authority has great flexibility to work with other jurisdictions and with organizations like the Canadian Standards Association—CSA—and the ISO and the regulators in other provinces. They will be able to work together in harmonizing and eliminating interprovincial regulatory differences across Canada.

We've gone out. We've consulted. I think that is the difficulty the opposition is having, because they never consult, especially when you look at—

*Interjection.*

**Mr Gill:** The member opposite is laughing and joking. I'm going to refer him back to the Rae days, the so-called social contract days, where they came and said, "All the contracts are finished"—no consultation. Somebody asked them, "What does 'social contract' mean?" "We

don't know but we'll figure it out next day." That is what the opposition is talking about.

**The Deputy Speaker:** The member for Nickel Belt has two minutes to reply.

**Ms Martel:** I'd like to thank the members from Oak Ridges, Hamilton East, Beaches-East York and Bramalea-Gore-Malton-Springdale for their comments, especially the comment from the last member who talked about consultation and had his own chief government whip laughing because it's so outrageous to suggest that this government consults with anyone about anything, unless it's with their own friends.

However, the chief government whip is quite correct: Your party and ours have very different views with respect to the role of government in enhancing public safety. We think government has an important role to play in enhancing public safety, and I fail to see where your government makes that case, either in the bill that was introduced in 1996 or with this current bill, because there's nothing in Bill 42—not a single thing—that says the government is going to take some new direction to enhance public safety in Ontario. There's nothing.

The bill is all about taking out standards that are now protected in seven statutes and off-loading them into regulations so that cabinet, by the back door, behind closed doors, without public scrutiny and without accountability, can do whatever it wants with respect to standards. Under that process, there is no opportunity for public consultation or public input or public scrutiny. I'm sure that's the way you want it, because you're not interested in hearing from the public about these standards.

Do you know who's going to end up writing the standards? It's going to be the authority itself, the same authority that has on its board a majority of members who are representatives directly from the industries they're supposed to regulate. Talk about a conflict of interest. I can't understand why it doesn't bother the chief government whip that the same authority is not accountable whatsoever to any of the other members of this assembly in terms of the Ombudsman, the Information and Privacy Commissioner etc. What kind of outfit is this?

**The Deputy Speaker:** Further debate?

**Mr Gerard Kennedy (Parkdale-High Park):** It's a pleasure to share my time with the member for Hamilton East and the member for Ottawa Centre.

It is my duty and honour to address Bill 42 tonight because it has echoes of the original bill that brought about this experiment by this government in self-regulation. This government believes it has something of an approach; one of the members opposite said they have an approach, and this is part of it. Is it an approach or is it simply a mindless trend? Is the government opposite built on the idea that somehow everything they can conceive of needs to be done in the private interest? Is this idea that they show in other areas, that they need their central government to keep control only over a handful of things they see as important, this overweening faith in what can happen in the private sector, that there's

no role for government any more as a referee, really just the evolution of this government into a corporatist approach, something totally alien to most of the people in their communities? That's exactly what they show in evidence in other things.

2150

When you see this government at work and see what they're talking about, they would, for example, sell this mindless trend they've caught themselves up in as somehow relating to efficiency, relating to a better deal for taxpayers. But instead—

**Hon Mr Klees:** Precisely.

**Mr Kennedy:** The government House leader says, "Precisely." Well, it was precisely \$7 million that the government threw away three years ago when they downloaded these things in the first place. It did not save the government money. They actually gave away a profit centre that the government ran effectively in the public interest when they downloaded elevators, amusement devices and other things, and made sure from the beginning that the government would lose out.

Now the question we're faced with, tonight, three years later, is, will the public lose out? Has this government abandoned any notion of public service having a centrality to government, this idea that somehow there is an ability to create entities that will hold certain public values, that will look after them, that will have that as their only job, that will not find themselves conflicted by other competing requirements? That is something abandoned by this government. From time to time, this government holds itself up—or has held; there isn't quite the same energy there any more, but at one time they put themselves forward and said, "We have a new approach."

What is their new approach? It is things that have been tried and have failed in other jurisdictions almost right down the line. When we look at exactly what they're talking about here, they have given away money to industry, they have given up on the idea that they could make things better, that with their industry and imagination and tenacity they would somehow find a way to keep people safe?

They gave up on that. What we have in this bill tonight is a total abandonment of that. They no longer need to represent the public interest; they wash their hands of how people, every day, riding up and down elevators, taking their children to amusement devices, will have protection. It will not be because of the active involvement of this government. They see that as a positive value; they see that as something that depends—

*Interjection.*

**Mr Kennedy:** The member over there is commenting to the effect of, "You know that's not true." It is true. It is no longer the case that the government is actually in control of the board of this organization. Who is? Who is making sure that elevators run in a manner that is in keeping with the public interest, of safety, first and foremost, paramount? The same companies that install and operate those elevators; they have the majority.

**Interjection:** They know the business.

**Mr Kennedy:** One of the members says, "They know the business." They know their business. Who knows the public's business? Only for some small part of what those various industries need to be doing do they need to conduct the public interest. That public interest, though, has to take precedence. It has to be the primary interest, the exclusive excellence they're striving for, because without that somebody is going to get caught in an accident, somebody is not going to be provided for. This is not new thinking. These are old, tired, disproven approaches. What did they do in California? They tried to self-regulate things like travel agencies. They tried to put things like real estate into private hands, into the hands of those same experts lauded by the members opposite as they wash their hands. It's less trouble for them, after all, than to be concerned with how to make those things works.

What happened in jurisdictions like California and Oregon the moment things started to go bad, the moment that people, as we heard earlier from the member for Nickel Belt and as others of us have been made aware, started to go out of business because fees were too high for certain sectors or it was kind of angled in the interests of some of the larger operators who paid more of the fees, or you found yourself in a situation where there was a general downturn affecting that sector? What then occurred? A generalized pressure to back off, to not look after the standards, to not have enough money in the kitty, to not provide for the things that needed to be done.

There isn't malice on the part of those people. There probably isn't a company we have operating in Ontario today that wants to injure people. But that's a far cry and a far difference from making absolutely sure that at every turn the public interest is regarded and looked after. The people of Ontario do not need to be reminded, because it's been on their front pages every day these past number of weeks.

What happens if a government is mindless about its preoccupation, isn't able to discern, to show judgment, to have in its own estimation a plan for the safety of the people of Ontario? We see instead the kind of scrambling, the kind of almost incomprehensible lack of taking responsibility, and yet this would set the government at several removes from the kinds of things that several people have already referenced. The government found itself unable to fulfill the public interest in the environment when it came to the issue of safety of water.

We are told on the surface of this that this is just a repackaging, just putting things in order, just rearranging the deck chairs. It is a continuation of an approach that has limited merit and that has cost the public some \$7 million in terms of the operation of the Ministry of Consumer and Commercial Relations, which has itself been brought under question, under a shadow, because of an incident that happened in Ottawa to a young gentleman, Jerome Charron, and the remarks that were made and covered in a coroner's report that should loom very heavy for everyone in this House today.

Do we find ourselves simply in a fashion, in a political trend that does not permit the public interest to get full



and due scrutiny? Is that what we're about here today? Has the government done due diligence? Has it generated reports? There have been reports done and those reports draw grave questions about the potential and the existence of compromise within this technical structure, so-called, already.

Where is the government? Where are the people the average person looks to to make sure they're not locked out of the equation? Where are those people? They're the ones, at least in terms of the government side, who apparently favour a further backing off, that would see, somehow, instead of—somebody talked about mature and responsible industries taking care of things in an efficient and fair fashion, but not having, being unable to have the same kind of regard for the public interest that various administrations of various political outlooks have searched for and found at various times can be done and need to be done with the requisite amount of involvement from government. Yet now we have a government that would exempt itself, that would say: "We don't need to try. We're the government of lazy jurisdictional effort. We won't put forward the provincial government's role here. We'll pass it off to somebody else. We might blame it and we'll certainly with this bill insulate ourselves. We won't be responsible."

That's what this government is telling the public of Ontario in this so-called technical standards act, just as it did earlier tonight in terms of education: "We only want the bits that we want to control. We don't want to take any accountability." That's exactly the kind of government I think the people of Ontario soon understand is just an easy kind of government. Anybody can cream off the kinds of things in government that they don't think will draw the public's attention and that will perhaps allow for a certain amount more of tax cuts to happen, a few more of those \$200 bonus cheques, but it's a harder job, a more necessary job, a more difficult job to actually make the public interest work. This bill doesn't do that and that's why we're opposed to it.

2200

**Mr Agostino:** I'm certainly pleased to join the debate here this evening. My colleague from Parkdale-High Park spoke of the weaknesses within the legislation that affect various factors of the industries, industries that people look to, and to the government, to protect them and ensure that public safety is always the highest priority. When we look at accountability, there's got to be a line of responsibility somewhere with government to ensure there is public safety.

I can't help but draw the government's attention back to the tragedy of Walkerton. Let's remember how this started. Let's remember five years ago, when Mike Harris and the Common Sense Revolution and the neo-conservative zealots came to power. You decided you were going to slash and burn every ministry. You slashed and burned a higher proportion and percentage at the Ministry of the Environment. You cut in excess of 900 employees at the ministry and removed about 40% of the budget.

Then what happens is that all of a sudden you've got these regulations on the books, rules that are to be followed by industry, but you no longer have staff to enforce those rules. So what does the government do as we move towards self-regulation and self-monitoring? They all of a sudden get rid of all these protections, get rid of the rules that were there and say: "There's no problem any more, no problem. We don't have infractions in areas of environmental protection, in water. That's simply because we've wiped out the regulations, wiped out the accountability process and wiped out the staff to enforce it."

We saw that. We saw that five years ago. We saw it four years ago. You were warned time and time again that your dangerous, dangerous approach—the cuts you've made and the rules you've changed and the regulations you've changed in the amount of protection—was going to harm Ontarians. And you laughed it off, sloughed it off as simply, as the government whip said earlier, doing more for less, as usual, that you can be more efficient, more effective, can save taxpayers money. That was the approach you took in the environment. That is the approach that, in my view, led to the tragedy in Walkerton. It was that approach of getting out of the business of protecting the environment, down-loading to municipalities, not giving them the funding to carry out their responsibilities, and then changing the reporting mechanism, changing the rules that deal with water safety in this province. That is exactly what led to the Walkerton tragedy.

I'm astonished that after that tragedy, after what we have seen in this Legislature, day after day after day of damning evidence that points right to the Office of the Premier and to the office of the Minister of the Environment—who should have known, who were warned, were advised of an impending tragedy and chose to ignore it—after potentially 14 deaths in Walkerton, you would still carry on with such a bill that in many ways risks the same thing you risked earlier when you made those cuts and changes to the Ministry of the Environment.

You are again rolling the dice and gambling with the lives of Ontarians through this piece of legislation. You're really leaving it to luck now with the type of public safety protection which we have now seen fail miserably when it comes to water quality in Ontario, fail miserably when it comes to air quality in Ontario. You are now going to use that with elevators which people ride and use every day in this province with some sense of security, knowing that government should be looking after that and ensuring everything is fine and safe. It should be the same thing with amusement rides at many of our parks across Ontario. I would have thought, with the backdrop of the tragedy of Walkerton, the backdrop of this tragedy really being laid on the lap of the government of Ontario because of their lack of action, that they would have had the sense to withdraw this type of legislation and understand that this is dangerous, understand that this is risky, understand that this is possibly putting Ontarians' lives in jeopardy by their actions.

This is a perfect example of where the lessons of Walkerton have been lost on this government, where they believe it's business as usual across Ontario. But I can tell you, every single debate for the next three years in this province has to be measured against the backdrop of what happened in Walkerton and the consequences of government decisions, the rash, irrational, ill-conceived government decisions which have led to possibly 14 Ontarians dying. Every single debate we have in this place has to be measured against that standard, a standard the government has brought upon itself, a standard that has led to tragedy in the province of Ontario. I don't want us standing here two or three years from now having to deal with another tragedy in one of these areas we're talking about tonight and once again come back to this moment and say to this government, "You had a chance to fix it, you had a chance to make it right, and you failed here as you failed the people of Walkerton."

**Mr Richard Patten (Ottawa Centre):** I'm pleased to participate in the discussion tonight. To review and summarize, my colleagues are essentially saying, where is the liability, where is the accountability, and where is that in relation to this particular government?

I would like to point out, as my colleagues already have, that in the last month or so I think most of us, in all honesty, have been shaken. It has certainly caused me to reconsider. I must tell you, I'm not totally one way or the other about whether it should all be government or should all be the private sector, but I think we have to very carefully look at the circumstances in which we do pass off to the private sector the conditions that are really, truly in the interests of the public we speak of.

Now, I believe this really is ideologically driven. I know the government members believe that maximizing the private sector's role in everything is the way to go. I suggest that when we consider the self-regulating aspects of businesses that have the potential to—or in fact do—impinge upon the environment, I don't think we're too proud of our record of environmental adherence to rules and regulations when I see work orders that are still at the ministry unable to be responded to.

More and more I hear that things should be in regulation. What that means when we talk about things being in regulation is that this is not done in public, is not done in the House. I'll give you an example. All of a sudden, I think it was last summer, one of our researchers saw a regulation enabling the police associations to raise money for political purposes, political activity. You don't really see the link until all of a sudden you see the True Blue program emerge from the police association here in Toronto, and then suddenly people say, "Where did this come from?" It came, I suppose, from the support of the Tory party and from the attendance of high police officials at various events and things of that nature, and asking for these kinds of powers to emulate and to show what indeed is happening in the United States of America. Everybody becomes politicized.

In the last minute and a half I have, I'd like to comment on one inquest going on at the moment, and

that's for Jerome Charron, a young man who was catapulted out of a bungee jump, literally within hundreds of yards of my home.

#### *Interjection.*

**Mr Patten:** It's not so funny. For weeks afterwards, I went by the place where this young man died, and in memoriam, people would place flowers and leave poems or little notes to the family. It's kind of a shuddering and shattering experience to see how this has affected the nearby community. The inquest going on right now is quite interesting. There are many, many questions emerging from that inquest. It seems to me that it would have been wise to wait until we see their findings, but just at this particular stage we might be able to learn the following: that there were poor training standards for inspectors; that there were no guidelines for inspectors; that there were no standards requiring that all rides be inspected prior to an exhibition; that there were no guidelines requiring exhibitions to conduct independent inspections of all rides prior to public use; that there was sloppy professional practice on the part of engineers; that there were no guidelines preventing inspectors who had certified a ride as "safe" from participating in an investigation into an accident.

What I'm saying is that we have just received a big lesson in this province. There are still investigations, inquiries, going on. I think we should hold this piece of legislation until such time as those inquiries are complete.

#### **2210**

**The Deputy Speaker:** I wanted to introduce and welcome Alexa McDonough, the leader of the federal New Democratic Party and member of Parliament, in the members' west gallery.

Questions and comments? The Chair recognizes the member for Broadview-Greenwood.

**Ms Marilyn Churley (Broadview-Greenwood):** Thank you, Mr Speaker. You beat me to the punch. I appreciate your introducing Alexa McDonough to the Legislature this evening. In fact, we just returned from a meeting in the riding of Broadview-Greenwood on how to save medicare, both from the federal Liberals in Ottawa and the Harris Tories here in Ontario. It ties in with this bill we're talking about tonight, because what we're seeing is the privatization here in Ontario of health care through the back door. We also had a guest, Christine Burdett, whom I introduced earlier today, from the Friends of Medicare in Alberta, where we're seeing the privatization of medicare through the front door. All in all, we have a big problem. We're losing our wonderful health care system, which is admired around the world, to privatization, which is going to hurt us all. There is going to be a two-tier system.

It ties in with the issue we're talking about today. Members will recall that it was I who brought this issue to the attention of the Legislature, partly because I had been the Minister of Consumer and Commercial Relations and also because I had looked into it and realized that what you're doing here—already you've completely



privatized our safety laws in the province and you're doing it in a complete accountability vacuum. I find it outrageous, absolutely outrageous.

**Hon Robert W. Runciman (Minister of Consumer and Commercial Relations):** You find everything outrageous.

**Ms Churley:** It is outrageous. We're talking about safety—safety. If you don't watch it and if you don't make sure—I made amendments in committee that at least would have made this new private entity accountable to the auditor, to the Ombudsman, to others, and they refused to go along with it. It truly is outrageous.

**Mr John O'Toole (Durham):** It's seldom I rise in the House to express my views on things. However, that being said, Bill 42, after two years of extensive public consultation with the industry people, the people who really know what is important with these seven bills coming together under one regulatory framework had pretty well common agreement. Mr Speaker, you would perhaps know, with Minister Runciman's due navigational skills, we had this in committee and public hearings. The Liberals flip-flopped. I hate to use that trivial expression, but they changed their mind, which they're given to do on occasion—pretty well every bill, actually. They supported this bill in committee. That should be on the record here, that they did support it.

This bill's primary focus of course is public safety with respect to the operation of amusement devices, boilers, pressure vessels, elevating devices, hydrocarbon fuels sector, the activities of operating engineers, upholstery and stuffed articles. They're combining all of these acts that exist today in a framework where it's more flexible to adapt and bring the regulations up to date without having to come back through the legislative process.

The minister is confident—I'm assured that the minister approves their business plan and has oversight at the end of the day over the functions of the TSSA. Really, what's important here is to keep the consumer in mind. Those industries that have advisory bodies to the ministry are satisfied after two years of consultation. Now we have the opposition unable to stand on their own feet. They're following, once again, the NDP lead.

**Mr Dave Levac (Brant):** I want to start by saying that the members from Parkdale-High Park and Ottawa Centre and Hamilton East were talking about safety. They were talking about ensuring that our public and the people who engage in any of the activities as a result of this bill are safe. What the government is trying to make us forget is that we want to hold the government of the day accountable for the safety of the people of Ontario. Keep the consumer in mind, members opposite. The consumer will not have any iota of concern whatsoever to save money if somebody gets killed falling off an amusement device. It's got nothing to do with keeping the consumer in mind if we have somebody fall down an elevator shaft. It's got nothing to do with those issues.

What the member opposite fails to recognize is that we've got people on this side of the House who are

concerned about the safety of the people of Ontario, just as we've been expressing safety and concern for the people of Walkerton. What we keep hearing from this government is—first it was the NDP government's fault. Now it's the feds' fault. "Oh, wait a minute, it can't be. Then it's the municipality's fault." What are we going to hear a couple of years from now? "I'm sorry about the problem. It's somebody else's fault."

We've got to start coming back to reality here. Government is here to respond to the needs of the people of Ontario and their safety.

I have letters from constituents in my riding. In response to my constituents' concern about the safety amusement park devices, they were saying: "Don't worry; 50% compliant in terms of their safety certification. You should feel protected that 50% of our inspectors have got certification." That's 50% of those inspectors who don't have a clue and don't have the certification to take care of those devices. Shame on you for not putting the safety of the people of Ontario in front.

**Ms Martel:** One of the principal concerns with this bill has to do about accountability: who the agency is accountable to. It's clear that the agency is not accountable to any of the officers that other agencies of this government would be accountable to. That's a serious concern. As a private organization, this authority escapes the normal application of the statutes that provide the foundation of the Legislature.

*The member experienced a coughing episode.*

**The Deputy Speaker:** Would you like to continue to respond, member for Beaches-East York?

**Ms Lankin:** If I may. Thank you very much.

To pick up on the issue of accountability, one of the things that we attempted to do in working with the government, if they were serious about accountability, was put forward a number of amendments. The member from Nickel Belt was going to highlight that in committee hearings the member from Broadview-Greenwood put forward a series of amendments, the first being one to affect the composition of the board of directors. Currently, the board of directors is made up predominantly by representatives of the industry, the industry the agency purports to regulate. We want to see that there is a different balance and that the public interest is protected there.

Second, we want to see that the board of directors and the agency comes under the authorities that other similar public agencies come under, like the Ombudsman's office, like the Provincial Auditor's office, like the Freedom of Information and Protection of Privacy Act, all of those protectorate offices that other public agencies come under in terms of accountability, which doesn't exist with this.

The bottom line of all of this: We can debate whether it's the right thing to move to a separate agency or not, but the government has taken that decision. Now what we're debating is making the accountability provision strong enough to protect public safety. The government should agree with that.

**The Deputy Speaker:** I just wanted to have the record show that the member for Beaches-East York completed the turn. I hope that the member from Nickel Belt gets over the catch in her throat.

The member for Parkdale-High Park has two minutes to respond.

**Mr Kennedy:** I appreciate the comments from the honourable members, all of which pointedly show a clear difference. We have a government caught in a mindless trend, unable to lift itself out of that to see what it is that the public—the average person out there is not an owner of an elevator company, doesn't have amusement devices as their principal requirement, but is affected by it in an everyday way. They see, instead, a government that won't stand up for them, won't, in some reasonable fashion, devise a way that the public interest doesn't have to be sold off to accommodate. That's essentially what the government sets itself up for. It's not just disappointment, not just some kind of heartache here. It is a government putting up the lack of its ability and saying to us, "We can't do this job."

In this bill, they've put themselves even further away, even at greater arm's length, from dealing with the actual requirements of what it is the public needs to keep elevators and amusement devices safe, even things like stuffed objects that have in them a safety component. It's not about their bottom line. It is not about a government's bottom line. To the extent it is, it's about a bottom line that we have yet to see register on the other side of the House: the safety and well-being of people held paramount above everything else. That's what you're asked to do with the power you have on behalf of the people of Ontario resident with you as a provincial jurisdiction. Instead, we have a consumer and commercial relations ministry that has not listened to any of the approaches, the alternatives, the amendments, the other things, because this government has been unable to put together a real package that would address the needs of Ontarians. Instead, we hear the various members opposite nattering about how they want to, once more, avoid accountability. We know that posture is not only untenable, we know it's dangerous.

2220

**The Deputy Speaker:** Further debate?

**Mr Bisson:** Thank you very much for the opportunity to debate Bill 42. I just want to say right up front, I am not going to be supporting this bill. Neither will any of the New Democratic members of our caucus, for a very simple reason: This bill is bad for safety. It's bad for the people of Ontario when it comes to making sure that things are safe when it comes to the issues that this particular bill regulates.

I think, unfortunately, Walkerton has told us something about the kinds of approaches this government is taking when it comes to how it deals with its responsibility to regulate and take its responsibility as a government to make sure that things are safe in the province of Ontario for the consumers and the public.

What this bill does is simply this: It builds on something that was started with the government in 1996.

Simply put, the province of Ontario had, up until 1996, the responsibility to enforce the regulations on a number of issues contained within the Ministry of Consumer and Corporate Relations and other ministries; in other words, the people who go out and inspect your elevators, your amusement rides, pressure vessels and all of those types of things that we have deemed necessary to be under inspection because history has told us people have died when government didn't take its responsibility. We needed to have regulations about how these things are maintained and to make sure they're kept in good repair. We also had to have qualified inspectors to go out and make sure that the laws we passed in this Legislature are being followed when it comes to the standards applied to these various devices that could be dangerous if not properly maintained.

The government transferred, back in 1996, all of those responsibilities on to the semi-private sector by throwing it into the TSSA, which is the Technical Standards and Safety Authority, and said to this quasi-private-sector operation: "You will now have the responsibility for doing all those things that we as a government used to do. You will regulate yourself when it comes to the inspection of all of these particular devices." Since 1996, the private sector has, in effect, been policing itself when it comes to inspection.

Just recently, as one of the examples that was raised by the member for Beaches-East York, there are cases where, since the TSSA has taken over, elevator inspectors were told by their managers not to write up infractions because the very people who run the industry and were on the TSSA board—they're the same members—were saying, "Oh, we don't want to do this because it's going to cost our bottom line," and you know that the bottom line is a lot more important than safety.

I want to relate this back to Walkerton. I think Walkerton is an example of the failed agenda of the Conservative government. These two issues are very directly related. The Tory government made a decision back in the mid-1990s to put into the private sector the water testing facilities of the province of Ontario. They decided to get rid of environmental regulation and legislation. They said, "Too much environmental legislation and regulation gets in the way of business, gets in the way of doing things effectively." So they said, "What we want to do is to make sure we get rid of that." Then they got rid of all of the people who did the inspection within the Ministry of the Environment, and as a result, unfortunately, people have died in the community of Walkerton. Thousands have been ill. Why? Because the government failed to take its responsibility to make sure that the drinking water was safe. I say that's another example of the failed Tory agenda when it comes to this self-regulation, "private sector does me best" type of philosophy that they have.

They now take this particular idea and they've also applied it to the inspection of elevators, pressure vessels and a whole bunch of other pieces of equipment that, quite frankly, if not properly maintained and kept in good



working order, could potentially be lethal to the people who are using them.

The government, through Bill 42 and the legislation prior to that, by creating the TSSA, has in effect done what it did in Walkerton. They've put into the hands of the private sector the responsibility for inspecting what goes on with these particular devices. Then what they do is say, "We'll let the private sector themselves decide by being members of the board of the TSSA," people who are within those industries, people from the pressure vessels industry, the elevator industry etc in charge of this whole operation.

I say this is potentially lethal and I want to put on the record tonight, on June 19 at exactly 10:27 at night, that unfortunately people will die because of what this government is doing by way of this legislation and what they did before when they put it into the hands of the private sector.

I want to tell you why. The government across the way says, "Well, we've been inspecting elevators now for the last four years under the TSSA and we haven't had a problem." I come out of the maintenance industry. I speak with some authority on the issue. I'm an electrician by trade. Part of what I did when I worked in the mines as a maintenance electrician was to maintain equipment in the mine in good working order.

If a company decides that it's not going to have preventative maintenance, and it's going to let its program of preventative maintenance slowly deteriorate because it's trying to cut costs, you're not going to immediately see the effect the day after they start making the cuts to the maintenance department; of course not, because that equipment is kept to a standard almost as good as it was when it was new—I would argue in some cases even better because we worked out some of the glitches. The equipment, if we decide to not maintain it to the same standards, is not going to break down the next morning. It takes a number of months, depending on the equipment, and in other cases it takes a number of years. If you allow the maintenance to deteriorate, what ends up happening is that you start to have all kinds of snags with the equipment and eventually you end up with equipment in bad repair.

What's going to happen as a result of the government actions with regard to privatizing the inspection of all of these devices, and now taking out of the legislation all of the rules about how you maintain this stuff and what the standards are and putting it in regulations, which I'll talk about later, is that within a period of time you're going to have equipment that is slowly going into bad repair and unfortunately somebody in Ontario is going to walk into an elevator and something's going to fail and somebody will either get hurt or killed.

You'll see it happen with other pieces of equipment because—you shake your head across the way. You know what? I remember when we were in this Legislature and we talked about the privatization of water testing. I stood in this House along with others and said, "Somebody will die," and you guys went: "No, no. Nobody's going to die. This is all good. Regulation legis-

lation on the environment is bad. We have to make Ontario more competitive. You'll see, you're just fear-mongering." We've got seven people in the cemetery because of you guys, so don't shake your head to me. That's what happened. That's the record.

So I say to the government across the way, there is a cost to what you're doing. It won't be immediate, it won't be tomorrow, because as I said, once you stop maintaining equipment it doesn't break down all of a sudden the next day. But what happens over a period of time is you start to have—and I'll just use an elevator as one device because I know something about them, I'm an electrician by trade—maintenance people start to go in to maintain it, the people who own it don't enforce their maintenance programs to the degree that they should, the electrician or the engineer walks on site and says, "Look at this. I think this particular circuit has a problem. We need to change some of the limit switches," or whatever it might be, photocells. The person in charge says, "Well, listen, we don't have time to do this now. Let's do it later," and eventually things start to slip and it gets to the point where it doesn't get maintained.

I know, because I've seen what happens in companies when they get rid of their preventative maintenance programs. Eventually equipment starts to fail and, quite frankly, it gets dangerous to the plant, the people and the equipment itself.

**Hon Mr Klees:** That's the point of the inspectors.

**Mr Bisson:** I'm coming to the point about the inspectors, exactly. This is the point.

What you're doing by way of what you've done with the TSSA is you've basically taken all of the qualified personnel that we had in the ministries who were responsible for all of this inspection and you did what you did with Walkerton, as you did with the Ministry of the Environment: You got rid of them, you laid them off wholesale. And what happened as a result of doing that in the Ministry of the Environment? People died. People are, unfortunately, going to have to die again when it comes to these devices, because you guys believe you have the right, that nobody else has got a right, and you guys are just a bunch of geniuses.

Well, let me tell you, you ain't too smart, because it doesn't take a rocket scientist to figure out that government does have a role—I would argue government has a responsibility—to make sure that, in the end, we properly maintain these things and we enforce our standards to make sure that equipment in this province is safe, that drinking water is safe, people don't have to worry about dying in what are really stupid accidents.

I was interested that the chief government whip, no less, got up in the House and said, "Oh well, you know, the member from Nickel Belt is just upset because we're changing where in the legislation we're going to deal with the standards. She's worried because if we take it out of the legislation and we move it over into the regulations, this is going to"—but you know, "You understand, I'm the chief government whip and it doesn't matter where you put it because in the end it provides greater flexibility if we throw it into regulation."

2230

Let me put in simple English what you guys are doing: You're taking it out of the legislation and you're putting it in the hands of the minister and Mike Harris, and they're in the back pockets of the industry. Industry's going to walk up—

*Interjection.*

**Mr Bisson:** Look at the cheques they've sent you. You're going to tell me you're not in the back pockets of industry? Take a look at who made contributions to your campaign. Come on. Otis never sent me a cheque, and neither would I want one.

But the point I make is this: You guys are taking all of the standards that are now in the legislation and you're transferring them into regulation. That means to say it doesn't have the same force in law. Here's the kicker: If, let's say, there is a standard in the regulation that used to be in the legislation that industry doesn't like, it can go and lobby the cabinet, the minister, and say, "I would like the regulation changed."

The only way we find out about it is not because it's passed through the House for full public debate. It's because it's gazetted in the Gazette. When you have to change regulations, that's where it goes, and half the time there's so much stuff going on that MPPs don't get a chance, quite frankly, to catch every change that is made in regulations by way of the Gazette. I catch a number of them but I don't catch it all. I don't think one member in this assembly catches it all. I would argue all of us combined don't catch it all.

That's why we're supposed to have a legislative process. But no, the government's going to take all this, throw it in regulation. What that means to the public out there is the government can make changes to health and safety issues when it comes to all of these pieces of equipment by way of an order in cabinet. They don't have to go into the House.

I want to ask the public a question. Do you trust Mike Harris with your safety?

**Hon Mr Klees:** Yes.

**Mr Bisson:** No. Ask the people of Walkerton how they feel about your record. They don't like it too much, and unfortunately, people in their community have died because of it. That's in effect what you're doing and that's why I say this is dangerous. Unfortunately, what's going to happen—I'm going to say it here and I'm going to say it again—people are going to get hurt, people are going to get seriously injured or people are going to die because of what you're doing by way of this legislation, and it's wrong.

Government has a responsibility. Government is there in order to protect the public and to make sure there are standards within the province or within the nation that make things safe.

I want to let the members across the way just run with their minds for a minute. Imagine if the Minister of Transportation were to come in and say: "We're going to privatize all the highways and we'll let each highway come up with its own speed limit and rules about safety

and about how driving standards are applied on each of our highways across the province." It would mean that as you moved on from Highway 400 to 401, which is owned by a different company, you'd be following different rules.

People would say: "That's nuts. That doesn't make any sense." I agree, that wouldn't make any sense. But that's what you're doing in this legislation. By throwing everything into regulations, you're in effect allowing the private sector to dictate what the rules are when it comes to the maintenance standards of various pieces of equipment.

Do you know how dangerous pressure vessels could be if not properly maintained? Do you realize what can happen? If you don't maintain pressure vessels properly, you're talking about equipment that's under high-pressure steam, that is under a great amount of pressure, and if something happens when it comes to improper maintenance of the vessel itself or the equipment that controls the pressure, I'm telling you, you can blow a building up, you can kill people.

**Hon Mr Klees:** No kidding.

**Mr Bisson:** Of course, no kidding. That's why in this province we train people in order to make sure that they're able to maintain this stuff properly.

The other thing that you did prior to this legislation is that you took all of those standards, threw them over to the TSSA and made them responsible for all of the testing of the training. I think that's a pretty ridiculous thing to do.

The chief government whip says, "The problem with the NDP is that they have a different approach from the Conservatives." That's exactly the point. As New Democrats, we believe that government has a responsibility, and government must take its responsibility to make sure that the public is safe.

My colleague Marilyn Churley, along with my leader Howard Hampton and others, have been after you about what your lack of responsibility and your lack of action has done in Walkerton. I hope we don't have to go through the same fight again when it comes to what's going to happen, unfortunately, with equipment in the province of Ontario.

The other item I want to raise is one that really irks me. I couldn't believe this; this is amazing. The government gets up and says, "We are doing this as a result of widespread consultation with the public."

**Hon Mr Klees:** That's right.

**Mr Bisson:** "That's right," says the chief government whip. First of all, when the member from across the way—and I don't remember your riding—the Conservative member over there got up and took great pride in the consultation, the chief government whip was rolling down the aisles. He was laughing. He understood what happened. You guys basically didn't want anybody to come and present to the committee. It was only when Marilyn Churley, the member for Broadview-Greenwood, went to the subcommittee and pushed that you allowed, what? You allowed two people to come and present to the committee—two people.



One of them only wanted to change the name of a particular act that governed operating engineers. But on the other issue you basically only got one expert who came in and talked on this legislation. You said, "That's probably because nobody was interested." People are interested, but it's pretty hard to do anything with it when the government limits most legislation by way of time allocation or won't allow bills to go to committee to be properly debated.

Do you know what? There is example after example where the government has gone into this House, has basically rushed the legislative process through without having proper debate in the House, without having proper committee hearings, and we have ended up with legislation that's flawed.

I just think of the municipal assessment act that you guys started about six years ago. We're in version number 8 of the legislation. You guys rushed that through the House so fast, we've had to come back with eight pieces of legislation to try to fix your mess.

**Ms Churley:** It's not fixed yet.

**Mr Bisson:** Then it's not even fixed; that's exactly the point. Then you've got the gall to go and create the super megacities in Ottawa, Sudbury and Hamilton. What have you got? You couldn't even get that right. You had to come back with a second piece of legislation to try to fix it. I suspect we'll probably be back with a third. That's what happens when you try to rush the legislative process.

Our forefathers who put together the democratic process understood something. For democracy to work you have to have people plugged in. The biggest weakness in our democratic system today is, you people aren't plugging in the public. You only plug in your friends.

If somebody comes to one of your fundraisers, "OK, come on in and talk to us." If it's somebody you think you want to invite to a fundraiser, it's, "Come and talk to us" again. But if it's somebody who has an opposite view to yours, or has an voice oppositional to the government, you say: "No, we don't want to talk to you. You're just a bunch of whiners." I can go back and repeat all the comments that the Premier and various members of the government have made about people who have an oppositional voice, and I'll tell you, it really says something when it comes to the democratic principles of this government.

With the couple of minutes I've got left I want to give you one more example of how this government has failed, its whole agenda has failed. Do you remember the privatization of Hydro? This is related to Bill 42. They said to us: "We will introduce legislation in order to break up the monopoly of Ontario Hydro and we're telling you, we're promising that hydro rates are going to go down as we privatize Ontario Hydro. We're promising that's going to happen."

Three years later, where are we? The utility in Toronto now has an application before the Ontario Energy Board to raise hydro rates by 6%.

**Hon Mr Klees:** Shame.

**Mr Bisson:** Shame exactly. The government whip says, "Shame"? My Lord, you're the guys who are allowing them to do it. Talk about double-speak. We have a mill up in northwestern Ontario which is threatening closure now because of the rates going up by two times the amount they're paying now. Why? Because the private sector is there primarily to make money and they're trying to recoup their investment. They forget the reason that the Tories, way back when, put Hydro under public control was to make sure that we provided a constant supply of energy at the best affordable price to the consumers and the companies in the province of Ontario. It was seen as an economic development tool.

This relates back to Bill 42, because it's another example of where this government's agenda has failed. You are trying to make people believe that by getting rid of government, by getting rid of regulation—or as you call it, red tape—by getting rid of environmental legislation, the economy will boom and everything will be better.

I'm sorry, the economy in Ontario is booming not because of what you've done, but because of what's happening in the United States. They're our major trading partner.

*Interjections.*

**Mr Bisson:** I want to know what economic theory you believe in. Are you trying to make me believe that the United States of America is doing well because of Ontario? Give me a break.

But what's happening in Ontario is that your agenda to privatize and to throw everything in the hands of the private sector is not going to serve the private sector well. It won't serve the public well, and in the end I think it's just another admission of the failed agenda of this government.

So I say to the members across the way, it's a dangerous game they play, because as they throw all of this into self-regulation mode, as they throw all of the protection of the legislation into regulation rather than legislation, we're looking for an accident to happen. I truly hope that my prediction is not right, but I'll say, as we said in the case when you privatized water, this is an accident waiting to happen.

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**The Deputy Speaker:** Comments and questions?

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to rise this evening to make a few comments on Bill 42 and some of the comments by the member from Timmins-James Bay. I'd like to make a few key points about the performance of the Technical Standards and Safety Authority, which we've talked a little bit about tonight.

Since the TSSA took over the day-to-day administration of Ontario's safety programs in 1997, many improvements have been made. Inspections have increased greatly across all sectors for which the TSSA is responsible. Inspections have risen from fewer than 138,000 per year to now more than 178,000. In 1999, inspections of fuel-handling operations alone had increased by approximately 30% over the number conducted in 1996.

Boiler and pressure vessel inspections were increased by about 25% over the same period, and inspections in facilities employing operating engineers have more than doubled. Public education has been an important component of that mandate.

I'd like to make a few comments here. When the member for Broadview-Greenwood was the minister in the early 1990s, there were 24 elevator inspectors in the province of Ontario. There are now 44. There were 36,000 elevators for those 24 inspectors to examine. You only got to 24,000 of those inspections. That is not an acceptable amount. That's why we've increased the number of inspectors. I could go on and on here with some other points, but today there are 39,000 elevators, escalators and hoists that we regulate. From my point of view, Bill 42 is a good piece of legislation and I'm proud to support it.

**Mr James J. Bradley (St Catharines):** I think the figure that's very significant is that 50% of the people who are in fact inspecting amusement devices are not qualified to do so. That is a ministry document; it comes right from the Minister of Consumer and Commercial Relations. I have no reason to doubt him in his response to a constituent. That's exactly what's happening now.

That leads me to believe that when the Minister of the Environment talks about inspections, we've got the same thing going. I've asked him about three times in this House to specifically tell us who is doing these inspections in "mission impossible," as I call it; that is, 630 plants to be inspected the way they're supposed to be inspected before the end of this year. You've got to know that with these plants it takes at least a week to do a thorough inspection by an inspection team that looks at all aspects of the plant. So the first thing is that they're not going to have the qualified people to do it. They're going to have to bring people in from who knows where, who do not have the specific qualifications, who are going to be simply looking at the mechanisms in there or looking at the paperwork and putting a check mark on it.

That is our concern with this piece of legislation. That is the concern with the inspections that are supposed to take place of water treatment plants in this province.

Then, after that's finished, apparently the Premier says: "Oh, we don't have to worry then. We don't have to hire permanent inspectors; we just have to get through this public relations rush of 630 plants inspected in a haphazard way before the end of the year. We don't need them after that." Well, that's what the Premier said. He said, "We don't need people after that." So I assume that when the dust settles down, we'll be right back to inspecting once every three years instead of once every year. That's why we have fear about this piece of legislation as well.

**Ms Lankin:** I'm pleased to respond to the member from Timmins-James Bay and also to say to the member from Simcoe North, who just responded to him, that it is always so distressing to me when a government member simply stands up and reads numbers off a briefing note. I wish that you would take a look inside the industry. I had

the opportunity for a period of time when I was Chair of Management Board to hear a number of representations from the ministry about why they wanted to go to a cost-recovery system. I don't deny that that's a useful thing, but to set it off in a separate agency without public accountability is very dangerous.

Today we're not talking about what's happening in the agency. We should be. You should know and understand the pressure that the board of directors and the industry have brought on the management of that agency to bring pressure on inspectors, in this case elevator inspectors, to cease writing directives for correcting problems. This is pure fact. This is talking to people who are on the front line doing those inspections. They've resisted that kind of direction. They've been told only to write when there are serious code infractions. That can be too late. You need to understand that if the cables aren't inspected, if the governors aren't inspected, you have a piece of equipment there that can hurtle to the ground at great speed and kill people. It has happened in this province before. It's happened more often in other jurisdictions where they have self-regulation.

The industry has always had input into the development of the code standards. Nothing would change on that. What we are saying, though, is that those standards need to remain in legislation with public accountability, not off in the backrooms of regulation, particularly when you've lost the professional capacity within the ministry to do the policy development. You have lost the separation between administration and policy oversight. You have lost the public accountability by the way in which you are amalgamating these various statutes and moving the code standards into regulations. Please don't mix the issues. This is a question of public safety.

**The Acting Speaker (Mr Michael A. Brown):** Questions and comments?

**Mr Ernie Parsons (Prince Edward-Hastings):** Before I start, I understood that this was a 10-minute—  
*Interjection.*

**Mr Parsons:** Oh, I'm doing a two-minute comment on the 10-minuter that I will give in a couple of minutes. I now understand. And it was good.

I am pleased to speak to Bill 42. I acknowledge that early into the discussion at committee level there was a sense out of the Liberals that we could support it. However, it became obvious as we went through and looked at the mechanics and looked at the impact on it that it could not be supported.

**Hon Mr Klees:** Flip-flop.

**Mr Parsons:** It's easy to yell "flip-flop" across the hall because they're prepared to support a bill even when they know it's wrong. I will confess that I have much more admiration for people recognizing what the reality is of the implications and making the support accordingly. To have continued to support this bill would not have been in the best interests of the public. Obviously the right decision was made to not support it.

Correspondence that I will be sharing in my 10-minute talk will indicate that the government itself has



acknowledged that they have problems implementing it, they have problems with staffing it, they have problems with qualifications of people who are involved in the inspection. How in the world could any member support it when the government itself acknowledges that its inspectors are not fully qualified and that they have a fee structure in place that is a disincentive to any organization to have the inspections done? There is a possibility that the risk is increased with this bill while at the same time no one is to blame for it; no one is responsible. We've put in place a quasi organization that really just buffers the government from responsibility.

The people expect their elected government to be responsible for their actions. This bill clearly does not meet that test and should not be supported.

**The Acting Speaker:** Response?

**Mr Bisson:** I was trying not to get into the debate of the flip-flop on the part of the Liberals, but you've given me the opportunity to get into it. What happened was, it's not that the Liberal caucus read the bill and all of a sudden you figured out it was a bad thing. You watched our lead as usual and flipped on the other side of the issue because you wanted to be in opposition to the Tories. That's all that happened. I'm actually thinking it would be a good idea to send a bill to the Liberal caucus at one point for all the research we do for them, because we go out and do the work and they go out and try to steal the ideas. That's another issue.

**2250**

I just want to say to the member across the way from Simcoe, who said we saw inspections go up by some 25% from 1996, that the only reason they saw the increase was because they got rid of the inspections in 1995. That's one of the first things your government did when you took office. You got rid of the inspectors within the ministry before you ever got the TSSA up and running. Obviously, there was a drop in inspections. The drop in inspections resulted in an increase the next year once the TSSA was up and running. You're trying to take credit for what was a rise in inspections—pardon the pun when it comes to elevator inspections—but the point is you are the ones who caused the problem by getting rid of the staff. That's normally the case. The Tories are very good at closing the doors of the barn once the horse has bolted out. They've been pretty good at doing that.

I just want to say for the last time, government has a responsibility. Government's responsibility is to make sure there are laws and regulations in this province that are there in order to protect the public when it comes to various activities in their daily lives. If government is not prepared, as this Tory government is not prepared, to take those responsibilities to ensure safety, then they don't deserve to be government. I say this government doesn't deserve to be where it is and, quite frankly, should stand out of the way.

**The Acting Speaker:** Further debate? The member for Prince Edward-Hastings: As you indicated, they are now 10-minute speeches.

**Mr Parsons:** I do appreciate the chance to speak to this bill. As a professional engineer, the number one con-

cern, from the time we start a university education to the time we retire from our career, is public safety. I would say that Ontario and Canada have been served very well in public safety. To this point, we have had a record that we should be proud of. However, there are incidents that are occurring, and occurring in numbers, that should start to cause us concern. We need to also look at the US. For so many things, this current government models what goes on in the US, and we're seeing some of that same trend.

It's interesting. As we move towards self-regulation, as this bill does, where do we draw the line? Where do we stop self-regulation? Right now, for example, we believe it's in the public's interest to have the government at some level inspect restaurants. Why don't we go to self-regulation there? Obviously, history has taught us that we need an external organization to do that. Going all the way back up to slaughterhouses, again, they are publicly inspected. Houses, of which we build millions and millions in this province, are still inspected by a local inspector. We don't leave it to the contractors to do their own inspections.

This bill deals in some areas that are extremely serious. Pressure vessels, elevators and amusement devices have the possibility of catastrophic failure. We're not talking about a sidewalk being built, with a problem as it settles; we're talking about the possibility of catastrophic failure. There is a reason we went to the system that we have now. This current government seems to have no respect for the history of how we got to where we are. There was a reason for public inspection and for public labs to test water, for example; it didn't just happen. At some time, perhaps forgotten, there was an incident in the past that caused the people perhaps 100 years ago, who were as smart as us, intelligent people, to say, "We need to take on this responsibility for the public good, because if it goes wrong, the risk of harm and the degree of harm is too great."

We're dealing now in this act with objects that are engineered. A great deal of expertise has gone into doing the inspections. I'd like to share with you an example that's perhaps a little bit off topic, but it relates, I think, to the philosophy of the inspections. In engineering, when we design an object, first of all, we determine the loads that are going to act on it. Where it's an elevator, what is the total weight that has to be on it? What is the effect of vibration? As the elevator moves up and down and vibrates, it imposes load on the elevator. From that we then size what each of the members needs to be in that structure.

The classic example that I would like to refer to—this is actually a federal government matter, but I understand that this current government loves to talk about federal government matters, so we'll talk about federal government matters—is aircraft. If we're going to design a building, we can have a factor of safety of 1.5 or 1.7, which means we can have, if it's 1.5, 50% more people in a room than it was designed for and the room will still be safe or the building will be safe.

When we're dealing with some engineered objects, such as aircraft, we move the factor of safety down to just about 1.0. The reason for that is that if you design an aircraft to carry 300 people and you want to have a greater factor of safety, that means you have to increase the size of the wings, which increases the weight of the wings. When you increase the weight of the wings, then you need larger aircraft engines to lift the aircraft up. Once you go to the larger aircraft engines, then you need heavier wings to carry the larger engines. It becomes a vicious circle. As you keep increasing the factor of safety, you end up with a totally uneconomical object.

How do we have aircraft fly, then, by having the factor of safety rated at 1.0? We do that by superb inspection. Aircraft cost literally so many billions of dollars to build now because of the degree of the inspection that happens at the time they're built. They know that everything has to work perfectly, as opposed to our automobiles where we do maintenance on them, although unfortunately too often on an irregular basis. Aircraft are carefully programmed from the minute they're put together to the minute they're retired as to when all of these inspections must happen.

The inspectors go in and minutely take each one apart. The qualifications for these inspectors are extremely high. Because of that, we feel relatively safe on aircraft in Canada. Interestingly, in the US, with their deregulation, they've gone to more and more private inspection of aircraft, or self-inspection. The legacy of that has been some very unfortunate incidents with Alaska Airlines and Aero Air and so forth, where history has shown that for these engineered structures, when we lose the imposed inspection on them, then we're faced with companies and individuals who are trying to balance making a profit in a very tight market with the safety requirements.

Let's think about elevators. We have an impeccable record of elevator safety in Ontario. When they break, they tend to simply stop where they are. The member for Glengarry-Prescott-Russell and I spent an hour and a half one day in one of the elevators here in the building. It was kind of a nuisance. We pretty well ran out of stories to tell each other for the time. It was an interesting experience. I would direct it back across—

**Hon Mr Klees:** Must have been a privatized one, was it?

**Mr Parsons:** It probably was.

I'm interested to read in a letter dated June 15, and that's not very long ago, from the Ministry of Consumer and Commercial Relations—it's signed by the minister himself—that a constituent in one of the ridings is concerned about the inspectors in the province. It says, "I am pleased to inform him that nearly half of the staff in TSSA's 40-person elevating and amusement devices division have been certified by the National Association of Independent Ride Safety Officials." Nearly 50% of the inspectors inspecting amusement equipment and elevators are certified. That means the other 50% aren't certified, I would think.

## 2300

That's an amusing number, I'm sure, to the people over there. The people of Ontario, who have been trusting this government when riding elevators, would be unhappy to learn that 50% of the inspectors have not been certified to do the inspections. Elevators are not simple devices. Amusement rides are not simple devices. I can understand someone not being certified because of the great variety, and yet the relatively low numbers, of amusement ride equipment. That doesn't remove the need for that to be absolutely, totally safe for the person at the fair who either rides it or puts their children or loved ones on it to ride it.

This number of only 50% qualified must be taken in context. This bill is intended to shield the government from liability. In some sense, it relates back to the school boards where we've seen the government remove so much of the powers of the school boards and still leave them in place. The reason they're in place is so that the government's got someone to blame when a parent calls and says there's no special education funding for their son or daughter. The government can say, "It's the school board's decision," even though they know very well they did not fund the school board at an appropriate level. Now we see another organization that is going to be put in those same straits. They have the responsibility but they really don't have the assets or the accountability that the elected people do in this province.

From that viewpoint, I believe it is absolutely wrong for this government to move more of these inspections to an agency that really doesn't need to exist when the ministry itself could, no doubt, do it more efficiently, more effectively and provide accountability for it to the province. As to liability, it's quite clear that no employee of this agency is considered a crown employee, an employee of the government who could be held accountable. Those who have difficulties are shielded from holding the government accountable, either from the principle of it or from a financial viewpoint.

The bill is wrong to remove the public's right to full, open, accountable and appropriate inspections. This bill should make the general public concerned. Although the ride operators and the building operators are trying to do the right thing, the government is not there helping them.

**The Acting Speaker:** Questions and comments?

**Ms Lankin:** I'm pleased to respond. I found it very interesting that someone who has that kind of in-depth knowledge of the industry and the operation of the inspections—I have a bit of knowledge. It's quite second-hand. My partner spent a number of years as an inspector of elevators, not for CCR but for government services. That was for elevator inspections of directly government-owned buildings. I learned a lot during that period of time. One of the things I learned watching him at work was what happened when the inspectors wrote directives about minor concerns or about major code infractions, and the way in which the industry would attempt to negotiate with the ministry to minimize the work that had to be done. It was a cost-saving matter, because of course



the maintenance and the upkeep on their contracts get reduced in terms of the money that's provided to them by the work they have to do in response to the inspector's directives.

With the very interest that's there in that negotiation process, you need to have accountable public control over that process. To hand that over to an agency that doesn't have the code quantified in legislation and that doesn't have public accountability through things like the auditor, the Ombudsman, freedom of information and privacy, a range of those kinds of oversight agencies, means you leave this area to self-regulation by the industry.

The industry is the predominant representative in control of the board of directors. They themselves have to respond to the inspection reports written by that agency. The conflict of interest is only too apparent. It's so obviously significant in terms of its potential effects on public safety. If the government is interested in public safety, why will they not accept the amendments that have been put forward to change the composition of the board of directors and to ensure that the agency is subject to the oversight of the public watchdog organizations? That's all they have to do.

**Mr O'Toole:** I want to assure the viewing public that the power of inspection is covered under section 17. It's important to put on the record that, "An inspector may at any reasonable time, without a warrant, enter any lands or premises where the inspector has reason to believe ... any of the things, parts of things" may be suspect of being an issue of safety. We have assurance there. We also have safety orders. "A director may give a safety order to any person or class of persons with respect"—at any time. The oversight here is very clear.

The power of the courts also prevails. It's important to put on the record that since 1997, when the TSSA took over the day-to-day administration of the Technical Standards and Safety Act, inspections have risen from 138,000 per year to over 178,000 inspections per year. There's more to be done. Clearly it's in the hands of people who are capable. For example, 20 members of the TSSA elevating and amusement devices division have been certified by internationally recognized safety organizations such as the National Association of Independent Ride Safety Officials. There's an acronym for that but I won't state it for the record.

I'm convinced, after two years of consultation with knowledgeable sector people, that we have combined seven acts here under one administrative organization, the TSSA. The primary focus of the whole bill, Bill 42, is public safety, public accountability. The minister has final oversight over the business plan. I'm convinced the Liberals don't have the courage to move forward, as usual, and to do the right thing.

**Mr Levac:** I want to thank the member for Prince Edward-Hastings for his in-depth review as an engineer, in terms of his profession. I respect his opinion very deeply in terms of the safety aspect that we were trying to bring home tonight. The fact is that the members on the

other side are continually trying to say that it's safety first, and yet what they abdicate is explaining to us exactly where that safety's coming from when we showed very clearly that 50% of the inspectors are not qualified for the amusement devices.

In spite of that, what I'm concerned about is that when people do bring to the attention of the minister and to the government side their concern about their costs, the fees—they're structured on an hourly basis. If those inspectors, who are not qualified, do not have the expertise that is supposed to be within the realm of the TSSA, they're going to be spending more time doing those inspections because they're not quite up to snuff, as is indicated by the 50% failure rate of having these people certified.

So what I'm trying to point out to the members opposite is, very clearly, put the house in order before you start doing all of this stuff, because we're going to have to suffer the consequences of these decisions, not now but in the future. Walkerton, does it ring a bell? You start cutting back, you don't have the experts out in the field, you don't have enough people watching the house, something's going to go wrong. Something is going to happen. What we're doing now is abdicating that responsibility. We're pushing it to the side again. Fifty per cent is nothing to be proud of. Fifty per cent of people who are not qualified or not certified to do these inspections do two things. The first thing they do is they jeopardize safety. The second thing they do is they cost the operators a lot of money because they're spending more time doing the inspection and getting advice from the operators. It's unfortunate, but a lot of these people who are doing the operations are bringing these people through what they're looking at in order to get their certification. That is absolutely backwards.

**Mr Bisson:** To the member and his comments, I think he brings a perspective of experience himself as a professional engineer when it comes to talking about what the aspect of safety is if we don't do our jobs right.

It reminded me of a story. As I said earlier, I'm an electrician by trade, and we were responsible, in the mines that I worked in, to maintain and certify hoists. Just so people know, in the mining terminology, hoists are the equipment by which you bring men underground. One particular one that I worked on went down 6,800 feet underground. Imagine putting three CN Towers on top of each other. That's the depth that we were going to with this particular conveyance. I remember a particular issue where there were inspections done by our own department. We were qualified people, licensed to do this, and we missed, quite frankly, one of the micro-switches in the upper limits of the shaft that are there to protect you in case you go into an over-speed situation. In other words, if the hoist runs away and it goes too far and it ends up coming up to the top part of the conveyance, it trips the limit in order to turn the brakes on so you don't kill people by a sudden stop at the end. Unfortunately, we never caught that, as the maintenance people. Who did was a Ministry of Labour inspector who

was himself certified as a professional person do to these inspections, who caught that there was a problem with this particular limit.

My point is, you need to have qualified people in the field, and that's what the Ministry of Consumer and Commercial Relations used to be able to provide. We had the best people, I would argue, probably in North America when it came to what they did, and now we've got rid of them by shutting down the operations within the ministry and put it into the private sector, where 50% of the people who are doing the inspections are not qualified to be doing them.

So my point is, it's a real danger where something may happen, and I say to the government, you have to really think about what you're doing here, because at the end of the day it could be another Walkerton.

2310

**The Acting Speaker:** The member for Prince Edward-Hastings in response.

*Interjections.*

**Mr Parsons:** I believe the floor is mine, but it's not out of character for the other side to try to take it out of turn. You've hurt my feelings from time to time this evening, and I guess maybe I reflect that, because I take the heckling personally.

Yet this is a very, very serious matter. I reiterate to the government side that I think you would be better persons if you recognized when in fact you've put forward a bill that's wrong and said, "We've made a mistake on this one." I know you can't do that. I know you can't do it. It's better to sneak through another eight or nine bills later on, correcting the problems. It would be better to come right up front and say, "This bill isn't going to work the way I want."

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** Did you vote for this in committee?

**Mr Parsons:** I don't think it matters what happened at committee. What matters is what happens when it's in this House. I'm sorry that the Minister of Community and Social Services couldn't have joined us earlier, because I gave a brilliant explanation of why this bill is flawed.

**Hon Mr Baird:** I can read it in Hansard.

**Mr Parsons:** But you would have heard much more and much better here. This bill does not improve public safety; it does just the opposite. It provides a disincentive for inspection. If we use the example of the amusement rides, if the people who operate the amusement rides, who are in a very tough market financially, are going to be faced with the temptation to not have them inspected—because they're going to have unqualified inspectors show up who take twice as long to do the inspection, plus they have the frustrating part of having to teach the inspectors about that unique piece of equipment—then they will be tempted to not have all of the inspections done all of the time. We should not put anyone serving the public in that position of having to make a decision whether to have it inspected or not.

**The Acting Speaker:** Further debate?

**Ms Lankin:** A few moments ago, the Minister of Consumer and Commercial Relations said to me, "But look at the number of inspections that are being done now." I want to address that issue. I remember, in fact, having meetings with people from that ministry responsible for inspections—not just elevator inspections, although I've spoken about that a great deal, but pressure vessels and underground storage tanks—and one of the points they made was that because the divisions within the ministry were contained under the provisions of the general revenue fund and because they were not able to raise the fees at that point in time to charge for the inspections, they couldn't hire more inspectors. Even when they raised the fees, they were concerned that it wouldn't translate directly back into that department, so they wanted a departmental accounting provision. They made their proposal to create a separate agency, something like the Technical Standards and Safety Authority.

At the time, I was very sympathetic to the argument they were making around the difficulty within government to have the revenue from increased fees redirected back into the department and not disappear into general revenue. One of the reasons it was so difficult, by the way, is that at the time—when fees are raised like that they're called "non-tax revenues" within government. Every time there was an increase in a fee, a non-tax revenue, the third party at that time, which happens to be the governing party now, the Conservative Party, just railed across the floor about how unfair this was and how wrong this was. The leader at the time, now the Premier, said a fee is a tax, and a tax that's increased and a fee that's increased—there's only one taxpayer; you know, it's all the same. They would not make the distinction at the time that fees for inspections, for example, could fund a better and more viable inspections department with more inspectors. It was not something that they supported.

But the minister—and you do learn something when you get to that side of the floor—now understands that point, as he has made the point across the floor to me in terms of the self-financing aspect of the new agency and the ability to do more inspections. So he now understands that argument, because in fact those fees have gone up. Those non-tax revenues have gone up dramatically over the last period of time, something that the government, had it been within the government purview, would have felt they couldn't defend, so they put it off into an agency. They let them do it, and now they don't need to defend it. There is a bit of a sham in what's going on, and in particular there's a sham when you take it the next step and look at the implications for public safety.

The creation of an agency in and of itself, while I have serious concerns about that, is not the subject of the bill that is before us tonight. You could have that agency with the appropriate safeguards in place that would address the number of concerns that I want to raise. But the government has chosen not to address those concerns. It's not just the members of the New Democratic Party



who are raising these issues. There's been a thorough study done of the TSSA, and one of the things they've said is that the dramatically increased fees, while it is now a jurisdictional fiscal policy—that means that the increased revenues come back into that agency and its budget—the dramatically increased fees have not resulted in a dramatic increase in the front line staff doing the inspections. In fact, where the increase has come that's most notable is in the management structure of the agency, which makes you wonder about the increased efficiency we're getting in this sector.

The point that I want to make, however, is that in the way this agency has been set up, there are significant concerns about accountability. The board of directors is predominantly made up of representatives of the industry that the agency is out there to regulate. So you have effectively established self-regulation by that industry, an industry that is responsible for both the installation and upkeep of equipment, whether it be pressure vessels, underground storage tanks, elevators or amusement rides—mechanisms of which public safety should be a prime consideration. The industry, while they are certainly concerned about public safety, has a competing concern, the bottom-line profitability of their companies.

I said to the minister earlier this evening that I can tell him directly of a situation that has occurred within the agency where one of the large, big five elevator companies that are out there has brought pressure to bear on the agency, and the agency management, succumbing to that, went to the inspectors and said: "We want you to stop writing directives for a period of time on elevators. If you find something wrong, come and talk to us. We'll talk to the company. We don't want the written record down there."

The inspectors, who at that point in time—

**Mr Gill:** How do you know?

**Ms Lankin:** You ask how I know? I spoke directly to the inspector involved, who used to work in the public service and now works in the agency. I heard directly from the inspector. He had been informed by management that he should not be writing directives. He spent a lot of years in the public service. I think the minister would agree with me that we have fine, reputable members of the civil service who have given their lives in dedication to the jobs they do, in this case in protecting public safety through inspections.

He said no. He would not be compromised. He was then told: "Don't write up minor directives. If it's a major code infraction, OK. I understand your point." He said: "No. That's not my job. My job is thorough inspections. Where I see a problem, where I see a problem coming, I write a directive and you and the industry can determine what you're going to do with that, but I'm going to do my job."

That pressure has already come to bear in this new structure. Surely, you don't want to allow that condition to be there without some kind of oversight. So we've put forward some simple amendments, and we don't understand your reluctance to agree to these amendments to ensure that in the representation on the board there is

direct public oversight, that we have independent control of the board with significant input from the industry—no problem about that. The industry was always involved in the development of the standards for code safety, and they still remain there. The safety councils, both in Canada and internationally, still remain major players in that. We want their input. We want them to be part of it. But the majority of the board should be independent in the oversight of this regulatory agency.

The agency—because it is a public agency, it is not a private sector agency—should be subject to all of the accountability measures that other public agencies are that we've set up. That means that it should be subject to the auditor's powers, to the Freedom of Information and Protection of Privacy Act powers, to the Lobbyists Registration Act to protect against conflict of interest. It means that the Ombudsman should be able to look into complaints when there are concerns from the public that things are going wrong there.

This is not a question at this point in time about whether or not to separate out the function of inspections from direct government operations to an agency. That debate is over. You've passed that legislation; you've created the agency. Now you're talking about the amalgamation of the statutes covering the safety code and, more importantly, without the accountability measures that I've talked about, you are also talking about taking the code safety provisions out of legislation and moving them into regulation. You argue that that is so you can update them more frequently. It also means that it is done behind closed doors without public input, without transparency, and it is not as clear and does not, in the minds of individuals, carry the same weight of law as the provisions that are in the legislation. You can't pick up the act and clearly understand what your entitlements are, what the safety code provisions are, what you're inspecting or what should have been inspected.

**2320**

I don't understand the government's reluctance here other than the industry has made it very clear how they want to see this go in terms of self-regulation. I can't believe that after what you have just recently gone through and the scrutiny on this government with respect to appropriate government regulation in protection of public safety, you're merrily going along with this piece of legislation when not just the New Democratic Party but outside organizations are pointing out the problem with the accountability structures in the legislation.

You are getting advance warning here. You haven't put this into place yet. What is the urgency? Why will you not take a second look at the structures of accountability? Why will you not heed what I am saying? I have told you directly from inside that agency, from the contacts I've had over the years from having represented some of these people when they were in CCR and from having had dealings with the section when I was Minister of Government Services.

These actions are happening now as we speak. The impact of the effective control of the inspections regime

by the industry has moved this to the self-regulatory system. That is not what you argued when you created the agency. You said the agency would oversee inspections but there would remain public accountability, and in particular the professional capacity within the ministry to develop the regulations, to develop the code standards.

You have now lost that professional capacity. Most of those people have gone and they're even leaving the agency and have gone out into private industry. You've lost the capacity. You don't have the accountability measures. Public safety is at risk.

**Mr Doug Galt (Northumberland):** It's interesting to listen to the member from Beaches-East York and some of her comments. You'd think everything had gone downhill since they left office in 1995. But just looking at some of the statistics, there were something like 138,000 inspections per year and that increased from there to 178,000 inspections per year. She should reconsider some of the comments that she was making.

Inspections of fuel handling have increased by some 30%. Those are the kinds of changes that have occurred since they left office. I don't think she's quite caught up to just what's going on.

Boiler and pressure vessel inspections increased by some 25%. Those are the specific inspections that have been carried out. But I can empathize with the concerns about the training that's necessary. It's indicated that something like 80%—I think I saw the figure—of the accidents on amusement rides are related to the people who are participating, the people who are on those rides. They need to be better educated to understand the risk they're in on those particular—87%; it's even higher than I was estimating at some 80%.

The area of greatest concern happens to be around the carbon monoxide safety committee and the kind of work they're doing to try and prevent some of the horrendous cases of carbon monoxide poisoning that may happen within Ontario. By a proper education program, there's no question a lot of that can be prevented, particularly if we put some of those detectors in our own homes. That's very important.

**Mr Steve Peters (Elgin-Middlesex-London):** I want to compliment the member from the Beaches because she brings forth some very good points. The government has closed ears and blinders on again. We've seen it too often with this government, where they feel they're doing the right thing by moving towards the private sector and getting away from government regulation.

What the government is losing sight of is the fact that public safety is being compromised by this piece of legislation that's in front of us today. More and more we're seeing this move of the government, going towards not being concerned with the public safety. Look at your example. Look at your track record with Walkerton—out the window; it is gone. You're compromising inspections. Inspections of such devices as amusement rides—we're into the summer season now—are being compromised. Elevating devices are a very important aspect as we grow in this province. Those areas are being compromised too by this government.

What's most troubling, though, is accountability, because this government's track record on accountability is atrocious. They have no concern over liability and accountability in this province. As to the damage, what you're setting up right now, we're not going to see the ramifications of it until much later on down the road. We've seen it first hand with Walkerton. Those cuts you started to make in 1995-96 have come in now and we are seeing that damage. More and more examples are going to be exposed of the mismanagement of this government and the worst part is that the future generations of this province are going to pay the price of this.

**Ms Churley:** I wish the government and the minister—I've very glad to see that the Minister of Consumer and Commercial Relations is here tonight—would listen, because as the member for Beaches-East York said, we're no longer debating the merits of the privatization of our safety laws; we're talking about the accountability structure now that it's done.

We voted against that in 1997, but you're the government, you brought it in, it's done. You said a number of things at the time about accountability and about the government still being in charge and you didn't keep your promises on that. We're trying to repeatedly point that out to you. I say to the government members that this is another example of not listening. It's not just us here in the NDP who are saying this. The Ombudsman recently, in his report, although he did not refer directly to Bill 42, did talk about his very large concerns about accountability and privatization. The key point that he made was the need for accountability mechanisms for privatized services.

#### *Interjections.*

**Ms Churley:** Let me remind the members tonight who are heckling me that you were told repeatedly that you had a problem within the Ministry of the Environment, outside and inside the ministry itself, and you refused to listen to the advice and the very serious concerns raised. You are now doing the very same thing with this bill that we're debating tonight. Don't you understand the dangerous ground you're on in doing this?

**Mr O'Toole:** I have the greatest respect for the member from Beaches-East York and I believe she knows that. Actually, I often say, "Frances for leader," and I genuinely mean that.

On a more serious note, she raised some points that need to be firmly rebuked. I should say that the NDP government—in recognition of their contribution to the committee's work, which I presided over, there were five or six amendments moved by the NDP. They were found to be wanting in the end analysis, of course, but I will say this, that in response to the degree of oversight that was requested by the NDP—double-check, double-check—what we've got here, and it should be on the record, is that the TSSA former complaint handling mechanism ultimately reports to the board and subcommittees.

But this is the important part that's been missed I think in the debate—also Minister Runciman, who sat through those hearings tirelessly—five persons in a unit in the



ministry that oversees the TSSA operation and handles complaints about the authority itself. So to the minister's credit, he has not relinquished the final oversight. That's typical of the minister I'm pleased to work with and for, I might say. The real issue is whether or not the TSSA grievance handling and customer service procedures need a fuller review, which is beyond the scope of Bill 42. Bill 42 moves the regulatory framework.

The TSSA has been in operation since 1997. We've heard tonight—the argument's been rebuked. We've increased inspections. We've increased accountability. The minister's responsible, and I support the minister.

2330

**The Acting Speaker:** The member for Beaches-East York for a response.

**Ms Lankin:** My thanks to the members for Northumberland, Elgin-Middlesex-London, Broadview-Greenwood, and Durham. Let me say first of all, to the member for Northumberland, who got up and began by saying that I had said that everything had fallen apart since our government left, I said no such thing. It's not that I don't think it. I actually do think that, but I didn't say it, I have to say to you. You totally misrepresented my remarks here.

I say to the member for Durham that there are serious issues of accountability. I'm sorry, but the little spiel you did there doesn't hold much water. There weren't extensive hearings. Only a few people presented. The minister wasn't present for them, so I have no idea how you can stand in this House and say that was the case. He was not there.

I want to point out the issue of accountability. Let me read this to you. Member for Durham, please understand that others are saying this. In the report that was done on the TSSA, it talks about how there are a number of serious policy issues. The most significant is that the substantive standards within the existing legislation would be removed and put into regulations. The report says, "Given the lack of technical and policy capacity within the MCCR in the areas delegated to the TSSA, the content of these regulations will inevitably rely on input from TSSA. This would effectively delegate policy and standard setting to the TSSA. Such an outcome, would be contrary to the separation of administration and policy-making"—rowing and steering—"that was supposed to lie at the heart of the TSSA's institutional design."

They make a number of recommendations. The recommendations were addressed by the amendments that the NDP put forward in committee and that your committee rejected. They were not found wanting in their analysis; they were found wanting in the political will for you to put in place the accountability structure to hold private industry accountable, in this case for the regulation of mechanisms that have a dire potential effect on public safety. What's lacking is the political will for public safety.

**The Acting Speaker:** Further debate?

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I rise tonight to speak briefly to Bill 42. Unlike

many of the previous speakers, I've had no experience with this bill in committee and I can't comment on whether or not my friend Mr Runciman has or has not been there for—

**Ms Churley:** He wasn't there.

**Mr Conway:** Well, I'm sure he was doing his job.

But I want to start my comments with a death. I have been listening, as some of us in eastern Ontario have been listening, to CBC Radio news reports about the Charron inquest.

*Interjection.*

**Mr Conway:** Well, I'm going to tell you that tens of thousands of eastern Ontarians have been listening to that. If you have been listening to those news reports out of that tragedy, you would have to say to whomever the gentleman opposite is, the member in the third row, you would be led to believe by the evidence tendered at the inquest—which I think, Minister, is still going on, is it not? Or it has concluded.

**Ms Lankin:** It hasn't reported yet.

**Mr Conway:** It hasn't reported yet. I am not someone who would recommend bungee jumping. That's not the point. The point is it's an approved and regulated activity in this province.

*Interjection.*

**Mr Conway:** If you want to speak—what is his name? Mr Gill, if you want to speak, you'll have an opportunity when I conclude my remarks.

**Mr Gill:** Is it bothering you?

**Mr Conway:** Yes, you do bother me tonight. You bother me. It's too bad you didn't—

**The Acting Speaker:** Order. One member has the floor at a time.

**Mr Conway:** It's about the tragedy of Mr Charron's death and a coroner's inquest that is being told by a number of people in authority that they are not, apparently, fully competent to do their job. I've heard several of these reports, and I thought to myself, "If I had children and I was listening to this, how comfortable would I feel about sending my kids to the local amusement park?" I have to tell you, I think my reaction would be the reaction of a lot of regular folks, to the extent that the evidence being tendered at that coroner's inquest in Ottawa is to be credited. I would feel a lot less confident than I would want to be about sending my kids to that amusement park. The coroner and the jury will make some recommendations and I don't want to prejudge that, but I see some friends from the Ottawa area and I'm sure that some of them have heard those reports. Some of the evidence that concerns me the most is coming from inspectors.

So the question I suppose the Legislature has to concern itself with is, to what extent can we honestly and truthfully say that under Bill 42 the public interest in these matters is being protected and advanced to the greatest and most reasonable extent possible?

I understand that these are not easy questions and I would be the first to say that there are failings within that regulatory framework that is purely public. I mean, it

seems to me that if I am an air traveller in the United States, I might be beginning to wonder about, what is the federal aviation authority doing to deal with some of these carriers that seem to be having some serious safety problems that in some cases are leading to too many incidents and too many fatalities? On a more benign level, I might ask myself, does anybody in Canada believe today that the CRTC is anything but a mouth-piece for private interests? The one thing about libraries these days is that they are replete with studies that indicate that a lot of the regulatory framework has been corrupted, for whatever good or not-so-good reason.

I see that my friend the Minister of Education is here tonight. In one of her earlier incarnations she was involved with some of the health professions. I have over the years wondered, just how well have our professional organizations served the public interest with self-regulation? Let me tell you, from time to time news organizations like the Globe and Mail and CTV News, to name but two, will tell the nation that some pretty outrageous behaviour has gone on underneath the nose of regulators and individuals have been seriously disadvantaged or, in far too many cases, the public purse has literally been pillaged because people who were supposed to be regulating in the public interest did not do their job.

There's been a lot of talk in this debate tonight. I have tried to listen to the debate and I have enjoyed almost all of the contributions. One of the questions that I think this Legislature and Parliaments elsewhere ought to be spending more time with these days is, is there a public interest, as I clearly believe there is, above and beyond the private interests as adjudicated on a daily basis in some marketplace?

It is written somewhere that we ought to render unto Caesar that which is Caesar's. I heard earlier tonight the chief government whip talking about that which is efficient and—well, listen, I'm the first to admit that there are all kinds of things that one can imagine and one might implement that are highly efficient. But let there be no confusion: There will often be a very clear clash between efficiency and the public interest.

I have very real concerns about the growing tendency in this Legislature and in other Parliaments to delegate public interest, and often public safety, to some kind of private marketplace. I don't know a great deal about the regulatory world but I know a bit, and I must say that I am always concerned when I see a structure or an architecture being put in place that is going to leave participants, often participants with a pecuniary interest in the activity, with a significant role in the umpiring of that marketplace. I'm not so sure that's not what we're doing here.

2340

There will be no person who will not don the robes of, "I am for public safety." That's a given, surely. But the question is, are you, are we, creating a structure that is going to give effect to that bromide? Because you'd have to be pretty heartless and pretty stupid, quite frankly, to take a position that was counter to being in favour of public safety.

I look to the south, to the great American republic. Who is the most important man in America today? Why, he's Alan Greenspan. And what does he do? He regulates the most dynamic market in the world. As I listen to players in that marketplace, increasingly they seem to really want good old Alan Greenspan to pull back on the all too often overly enthusiastic players of that marketplace.

*Interjection.*

**Mr Conway:** What was that, I say to my friend from Durham?

*Interjection.*

**Mr Conway:** I say to Mr Gill that he may really want to engage this debate because we still have 16 minutes.

**Mr Gill:** On a point of order, Mr Speaker.

**The Acting Speaker:** Perhaps you could wait on the point of order.

*Interjections.*

**Mr Conway:** I want to say, because I only have two minutes left, that since we're talking about the stuffed articles act and how to amend it, I would say to my friends opposite, particularly my friend from Northumberland, that he should maybe concern himself with those parts of this bill that are concerned with the stuffed articles act.

I simply want to say that we have before us a piece of legislation that asks the Legislature to believe that we can delegate out to the private marketplace the regulation—

**The Acting Speaker:** Thank you. Questions and comments?

**Ms Churley:** I listened to the member from Renfrew very carefully. He made some points that the government members should listen to, as all the opposition members are making these points tonight. Let me be clear on this once again. We're not asking that you reverse your decision of 1997. Personally I didn't support it. Our party didn't support it. We outlined all the reasons why we didn't support it at that time. But it's a done deal. That's over. You have an opportunity to make amendments to make this body accountable to the people of Ontario.

I have talked about this before in this Legislature. I have a little grandson. He's six years old now. I don't know about the government members—I presume because they're not listening to the warnings coming their way about this—but I would be very hesitant to let that little guy—his name is James—go on an amusement ride of any sort these days. I am very uncomfortable about what might happen on those rides.

We know what happened in Ottawa with this young man who needlessly died during a bungee jump. We have all the evidence about what happened there. There was a coroner's inquest and it became very clear that the inspector didn't know what he was doing. He hadn't been trained. He said that himself. We have evidence that my colleague from Beaches-East York gave about elevator inspectors being told not to write up orders. There are already problems that have emerged.

Do the right thing and accept the amendments that the NDP has made. That is what we're asking you to do tonight.



**Hon Mr Klees:** The member for Renfrew-Nipissing-Pembroke made reference to the stuffed articles act. I want to speak to that because there's no doubt that this bill affects every man, woman and child in this province for that very reason. I know that all of us here and people throughout this province have for years had very bad nights of sleep because they've been torn, knowing that the government has gone around sticking labels on mattresses that say, "Do not remove under penalty of law." I know that many people have lost sleep at night because they've been torn about either cutting the label off that mattress or having a terrible night's sleep with that label just waking them up at all hours.

Bill 42 is the end of that because the government is finally getting out of the business of sticking labels on to mattresses. As a result of that, people from across this province will have the opportunity to have a sound night's sleep without the guilt of removing those labels. I say we support this bill and we should give it quick passage.

**Mr Bradley:** I thought the member's remarks were most pointed to the greatest concerns we have about this legislation. When I hear some of the comments that have come from the other side suggesting that those on this side are perhaps somewhat overly worried about the consequences of lack of supervision and assessment and inspection, I think they should take into consideration where we have seen that manifest itself most recently. That of course is in the provision of drinking water in this province, where the province decided, and still has before the cabinet from time to time, ideas which would call for further privatization of public services.

There are consequences of that. There is a risk that goes with that. I recognize there is a philosophy which believes that government is evil, that it must be taken out of the face of people. One thing I've got to say for this government is that it kept a promise that many of its members made, which was to get the Ministry of the Environment out of your face.

I know some of them were around the province, some of their business friends who didn't like the Ministry of the Environment, and I well remember those folks who didn't like the Ministry of the Environment, didn't like regulations, didn't like red tape, didn't like legislation. These were not progressive business people, because the progressive business people were in favour of that kind of regulation, as long as it was firm, as long as it was fair, as long as there was consultation on the rules and regulations that would be established.

I think all the member has asked for is that there be a reconsideration of this bill so that we have a government, as opposed to an industry group, doing the supervising. If there is a cost to be incurred, I suppose this government will assess that cost, but I believe the government can best do this particular job.

**Ms Lankin:** As always, I appreciate the comments in this House from the member for Renfrew-Nipissing-Pembroke. I say to the member for Oak Ridges that I find the way in which he trivialized the concerns that have been raised, by talking about labels on mattresses, to

have been very inappropriate. I'm sorry if that offends you but I was offended by your remarks in this respect.

**Hon Mr Klees:** Get a life.

**Ms Lankin:** You say, "Get a life." Do you know what we're trying to do? We're trying to save lives and that's the issue we are bringing with respect to this bill.

The member from Renfrew very appropriately referred to the coroner's inquest that's going on with respect to amusement rides and problems that have been raised. I found it interesting that the Minister of Consumer and Commercial Relations said, across the floor, "Wait for the jury's report." That's what we're saying to you: Wait for the jury's report. Why are you proceeding with legislation that has independent critical comment in terms of its structure, which says that you're not simply following other jurisdictions that have moved towards independent agencies overtaking inspections, but that you have gone significantly further in weakening public accountability in not keeping separate the policy and the administrative side of this?

2350

The member for Oak Ridges shakes his head. I ask him to read the independent report that was commissioned and issued with respect to the TSSA and to the administrative structures and to the lack of accountability and the problems. I ask him to read the comparisons to other jurisdictions that have been made. I ask him to understand that we're not talking about labels on mattresses; we are talking about deaths that have occurred in jurisdictions where there is self-regulation with respect to inadequate inspections of elevators, of pressure vessels, of underground storage vessels and of amusement rides like the bungee death that we heard the member from Renfrew speak to. The member from Renfrew is wise. You are not wise if you don't listen.

**The Acting Speaker:** In response, the member for Renfrew.

**Mr Conway:** I thank my colleagues for their comments. Again, I take this matter, as I hope all members do, seriously. I understand some of the articles, and for years around here we have entertained ourselves with the titles of some of these acts. But again, the reason I'm particularly interested in this as an eastern Ontarian is the inquest. That's about a death. I don't want to pre-judge the report, but I say again, anybody listening to the evidence of key people, including inspectors, would I think be quite concerned. These days, there are people looking at government with a bit more of a jaundiced eye in light of what happened in other provincial government activities.

Two quick final observations: One of them has to do with responsibility. One of the things that offends me as a member of the community and as a member of the Legislature is, does anybody anywhere accept any responsibility for anything any more?

**Hon Mr Klees:** You're the only one.

**Mr Conway:** No. I'm not saying that. I hope I'm not being self-righteous. I'm a little annoyed, for example, over the POSO thing because there's an example where

an independent arbiter has told us the law was broken and 50,000 individuals were affected. Has anything happened to anybody? No. And nothing probably will.

The final point I would say is I'm getting to a stage where I'm going to say to people: "Forget the dialogue. The old British parliamentary consensus-making business is gone. Sue the beggars. Sue the living pants off them, because then you will get their attention. Sue, sue, sue, because debate doesn't seem to produce a consensus in the public interest any more."

**Mr Gill:** On a point of order, Speaker: When we came to this House—and I'm a new member, I must admit—we were told by the clerks to get to know the opposition very quickly because down the road they will become your friends—

**The Acting Speaker:** Knowing members is not a point of order.

Further debate?

**Mr David Christopherson (Hamilton West):** I have no idea what that was going to be about, but we've only got five minutes and, thankfully to you, Speaker, we're not about to find out.

Let me open my remarks, given that I only have five minutes, and say that I wanted to just mention to the member for Renfrew-Nipissing-Pembroke when he said to the government members, "Render unto Caesar that which is Caesar's," let's be very careful about referring to them as Caesars. They already see themselves as little Napoleons and Alexander the Greats and every other dictatorial ego persona you can imagine. Let's not go adding to the descriptions that they would like to use of themselves.

Because, you know, the point is well taken that debate in this place is practically irrelevant. You pay no attention whatsoever. To the chief government whip, I agree with my colleague the deputy leader of our party, that you do trivialize things by saying this. I can only imagine how you would feel, because I believe that you're an honourable member. Through you, Speaker, I can only imagine how the chief government whip would feel when, upon hearing that someone has been hurt, particularly a child, on an amusement ride, or perhaps that people have been hurt in an elevator, and that he in this place, talking about this change, made reference to the tags that are on mattresses. I really think it shows a disrespect to the importance of regulatory bodies and regulatory legislation.

On that, let me say that the report that my colleagues have been referring to throughout this debate entitled The

'New Public Management' Comes to Ontario, where they actually review in depth from an academic perspective this model of governance over the previous model, which of course was that the government was entirely responsible, and in here they study the Ontario Technical Standards and Safety Authority. They say, "The accountability framework established by the government of Ontario for the delegated administrative authorities is significantly weaker than that provided in other jurisdictions, including the United Kingdom, New Zealand, Alberta, the government of Canada," and it goes on and on.

Therefore, it's not just the opposition, it's not just those in the public who are concerned from a consumer point of view, although they have every right to be; it is also academic experts in the field who point out the flaws in this model of governance: giving everything to those who are being governed and regulated, the sole responsibility for setting up the policies and then overseeing the implementation of those policies.

As if that wasn't concern enough, this document, this important study, points out that you don't even have the public accountability built into this framework that was built into other frameworks, recognizing that they didn't work at the end of the day anyway. But you haven't even gone that far. You haven't even gone as far as the examples of failure in privatizing these regulatory administrations. You didn't even go that far.

Government, you ought to be paying attention. We're not standing here at midnight on a bill that everyone thought for the longest time was not that significant just to hear ourselves speak. The fact of the matter is there are concerns built in here. I know you've heard Walkerton raised an awful lot, but the reality is that that's exactly the sort of thing that could happen years down the road. Six months, one year? I don't know. Three years, five years—does it matter? The fact is there are enough legitimate concerns being raised about this model of governance and what it means to public safety, something you purport to care about more than anyone else, and yet you pay no attention. You turned down the amendments placed by my colleagues.

I see the Speaker standing and I thank him for allowing me to speak.

**The Acting Speaker:** Sorry; I need to interrupt. It being 12 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 2400.*



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First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

**Tuesday 20 June 2000**

**Mardi 20 juin 2000**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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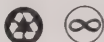
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 20 June 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 20 juin 2000

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### HEALTH CARE FUNDING

**Mr Michael A. Brown (Algoma-Manitoulin):** I want the Minister of Health to address the absolutely critical need for long-term-care beds in Algoma-Manitoulin. Not one bed has been built since this government has come to power.

Elliot Lake needs to have its allocation for beds met immediately. Before the last election, with much fanfare, the minister came to Elliot Lake and announced an inadequate allocation for beds in Elliot Lake, with promises that the number would be supplemented in the next round. It has not happened. It needs to happen. These beds were needed years ago.

Espanola needs and must have the 34 beds it requested. The proposal was rejected by the Minister of Health. The Minister of Health says in her letter, "The proposal submitted by the Espanola General Hospital was not among the highest-ranked in the Algoma service area"; the operative words are "Algoma service area." Espanola, as all members of the House would know, is in the district of Sudbury.

What confidence can we have in a Minister of Health who believes that communities are in the wrong districts and believes that this could be a fair and equitable allocation of beds? Not one bed in the Sudbury district was allocated for the rural area. It is unacceptable.

#### FARM PRACTICES

**Mr Ted Arnott (Waterloo-Wellington):** Ontario's farmers are taking the initiative when it comes to being responsible stewards of our environment. This fact is clearly demonstrated by the efforts of farmers in my riding of Waterloo-Wellington.

Mrs Deborah Whale, of Clovermead Farms in Alma, has recently brought to my attention a number of ways in which our farmers are being proactive in the implementation of environmentally sound farm practices. For example, there is the Environmental Farm Plan, a concept developed by the Ontario Farm Environmental Coalition, through which individual farmers are able to identify

their strengths and weaknesses and outline a plan to improve their operations.

The rural water quality program is another strong example of farmers taking this kind of responsibility. This program provides financial assistance for practical measures that protect our valued water supply. It is a pleasure to report that this program is said to have had an impressive participation rate in Wellington county and in Waterloo region.

These environmental initiatives led by farmers, and others, like the baseline water well testing program, the nutrient management planning workshops for farmers, the grower pesticide safety course, and the establishment of the Ontario Farm Animal Council and the Ontario Farm Environmental Coalition, must be acknowledged by all members of this House for their inherent foresight and commitment to environmentally sustainable farming practices in Ontario.

Farmers are being proactive. However, I think they will be the first to admit that even more widespread knowledge, understanding and leadership are required to work towards a clean environment and thus a stronger future for Ontario's farm families.

#### EDUCATION LEGISLATION

**Mr Dwight Duncan (Windsor-St Clair):** In a few short minutes this Legislature will have jammed through third reading of Bill 74, the so-called Education Accountability Act. This is another example of a government paying no heed to any of its critics. It didn't listen to parents, it didn't listen to teachers, it didn't listen to principals, it didn't listen to public boards of education; it has listened to absolutely nobody. We had a day and a half—not even a day and a half—of hearings on what can only be called some of the most draconian education legislation we've seen at least since Bill 160. But this government will be held accountable.

I want to say to members of this House, particularly members of the government, that the official opposition has listened to the parents, to the educators, to the boards of education, to the principals and to the supervisory staff, and we say that even though you will use your majority today to fundamentally undermine and further harm our education system, it will be the power of public opinion that puts a brake on you people.

You cannot continue to abuse this Parliament. You cannot continue to abuse your majority. We won't let that happen. The third party won't let it happen. Most import-



ant, the people of Ontario are fed up with your arrogance and the tactics you're using against everyone in this province. You all ought to be ashamed of yourselves.

#### MARGARET EVE

**Mr Bert Johnson (Perth-Middlesex):** I rise in the Legislature today to pay tribute to OPP Sergeant Margaret Eve, who died on June 10, the first female OPP officer to die in the line of duty.

As many of you know, Sergeant Eve was remembered last week at a funeral in Chatham, which was attended by almost 6,000 people. Thousands of police officers from across Canada and the United States came to Chatham to pay their respects to their fallen comrade.

I'm also proud of the fact that the Solicitor General and our Premier were able to attend the funeral service.

Sergeant Eve is to be commended for her leadership and commitment to police service in Ontario and for contributing to the safety of our highways, our streets, our homes and our communities.

I also want to recognize Sergeant Eve, as she was originally from my riding of Perth-Middlesex. Sergeant Eve grew up on the family farm on Rural Route 2, St Paul's, and was the daughter of Cornelius and the late Elizabeth Vink. She attended Downie Central public school and Stratford Northwestern Secondary School.

Margaret Eve went on to serve 14 years with the Ontario police service and spent time in several southwestern Ontario detachments.

I would ask my colleagues in the House today to keep Sergeant Margaret Eve in their prayers and to recognize and support the hard-working men and women who make up our police services in Ontario.

#### TENANTS

**Mr David Caplan (Don Valley East):** I rise today to bring to the attention of this House a very important report card that has been issued today.

Tenant advocates and activists have done their evaluations and recommend that housing Minister Tony Clement be transferred from his portfolio to the backbenches for some remedial studies.

Let me summarize some of the comments on the report card: In mathematics, Mr Clement has received a D for his number sense. To quote the evaluators, "He fails to grasp the significance of numbers given to him—for example, the statistics relating to the work of the Ontario Rental Housing Tribunal."

But members may be pleased to know that he received a B+ for arithmetic operations. To quote the report card, "Tony shows a flair for subtraction—especially effectively reducing shelter subsidies and social housing starts."

With respect to his English skills, the minister has received a below-standard grade of D for his reading ability. His report card is quite clear: "He reads slowly and without retention of meaning. He must be encour-

aged to complete his reading assignments." A thorough review of the report of the Eviction Prevention Project of the Centre for Equality Rights in Accommodation comes recommended as his first assignment.

Overall, these groups have some serious concerns with his interest in the job. They say, "Tony has had some success with his extracurricular activities, but despite challenging opportunities, failed to take an interest in his work."

These groups have prepared a light-hearted report card to highlight the very serious issue of the minister's poor performance. The bottom line is that Mr Clement lacks the political will, skill and competence to be an effective housing minister.

I'm sending this over to the Premier in the hope that he will sign this report card, take the recommended remedial action and replace Minister Clement with someone who has a real interest in and energy to tackle Ontario's growing housing and homelessness crisis.

**Mr Dave Levac (Brant):** On a point of order, Speaker: I just wanted to make sure that the member for Perth-Middlesex, along with the Solicitor General and the Premier, knows that the Leader of the Opposition and five other members from the Liberal Party attended—

**The Speaker (Hon Gary Carr):** That's not a point of order.

1340

#### VOLUNTEER POLICE

**Mr Garfield Dunlop (Simcoe North):** My statement today is a salute to 40 years of auxiliary policing in Ontario. Over 40 years ago, the volunteer auxiliary of the Ontario Provincial Police came into being, and now, over 800 strong, they come from every walk of life to assist in protecting the people of Ontario. They are held in the highest esteem and have earned our profound respect. We honour their faithfulness.

Last Saturday, I attended a couple of ceremonies—a parade in Orillia that was also attended by the Solicitor General and a banquet in Peterborough that was attended by Mr Gary Stewart as well—to pay tribute to these volunteers and to express deep gratitude for the work they perform. The role they play in policing is truly valued, as they strive to promote safety and bring peace within our communities. Most often, they participate quietly in the background, receiving little recognition for their efforts. We applaud their worthy contributions.

They assist the OPP staff in their routine duties and in emergency situations. Undaunted, they often step beyond the call of duty, thus risking their own safety. Selfless and courageous, they are willing to serve during any unforeseen disasters. We applaud their sincere commitment.

Each year they donate their time and are available for countless hours of shift work, and in fact in 1999 spent almost 200,000 hours on volunteer work. In giving of themselves, they make unending personal sacrifices, thereby missing numerous family celebrations and holidays. We thank them for their unfailing dedication.

They are stalwart ambassadors and a most professional representation of the Ontario Provincial Police. Please know how profoundly important these volunteers are to the OPP staff and to the people of this great province.

#### ASSISTANCE TO DISABLED STUDENTS

**Mrs Marie Bountrogianni (Hamilton Mountain):** I want to talk today about a number of my younger constituents on Hamilton Mountain who are not helped at all by the so-called Education Accountability Act.

Sean is eight years old, an exceptional student with a moderate learning disability. His school, Corpus Christi, provides him with a modified program and remedial assistance, and borrows an educational assistant from another student to help him. The school is forced to rob Peter to pay Paul.

Why is this? Sean's disabilities are described as mild. In Mike Harris's Ontario, being mildly disabled with a solid potential for success, given early intervention, isn't good enough to get appropriate support.

This week my office has been flooded with stories similar to Sean's. In one case, the Colantino family has had a double hit. Their nine-year-old son with Down syndrome, who has had a full-time EA since he was four, next year will receive none—no support. Their daughter, a C4 quadriplegic, the result of an accident, will only have a part-time EA. Can you imagine what this family is going through every day, and to be told this week that their children will not have the assistance they deserve to try and meet that government's new criteria and curriculum?

Let me tell you about Justin D'Amico. He is seven years old, in grade 2 at St Teresa of Avila school. He has delays in speech and language and he has a mild to moderate learning disability. For the last two years he has had the half-time support of an educational assistant. Given this government's dysfunctional funding formula, he will receive no assistance in September. When will this government fix this formula and allow the most vulnerable of our children to get the education they deserve?

#### WORKPLACE FATALITIES

**Mr David Christopherson (Hamilton West):** I rise to bring to the attention of the members of the House a very tragic event that I'm sure many have seen in the news and read in the paper, that yesterday there were two construction workers killed and three injured. Darren Leon and Jose Alves were killed while working on a municipal construction site in Oakville. It was the result of a 12-storey crane collapsing and falling and killing these two workers. The Halton regional police, the Ministry of Labour and the coroner's office are currently investigating.

I rise today not just to bring attention to his, although that's important enough, but also to point out that the

Ontario building trades council, under the leadership of Pat Dillon, has sent correspondence to the Minister of Labour advising him that they are now aware that when they were denied access to the accident site, company officials were allowed there under the supposed purpose of doing paperwork.

Given the fact that there may indeed be charges as a result of this, the construction union has a real concern about what this may mean to the investigation and therefore they have called on the Minister of Labour to not only ensure that there's a coroner's inquest but to bump this up to a public inquest. Given the fact that non-union construction sites are two and half times more dangerous, statistically, than unionized sites, the NDP caucus joins the union in calling on the minister to ensure there's a public inquest.

#### YOUTH BOCCE

**Mrs Tina R. Molinari (Thornhill):** On behalf of my constituents in Thornhill, it is a great honour for me to rise in this House today to convey some wonderful news. Seven years ago, Mr Liberato "Lee" Prioriello founded Youth Bocce Canada, whose mission it is to support athletes with disabilities. Lee is a man of courage and vision. Through his efforts, youth bocce has been recognized as a competition at the regional level for the Ontario Special Olympics and at the international Olympics.

Through the tireless effort of Lee and his large staff of volunteers and coaches, Youth Bocce Canada's special-needs group has been granted an audience with His Holiness Pope John Paul II on August 9, 2000. This is a momentous event for all concerned, especially the athletes. The athletes will also be delivering a gift to the Pope. Artist Gerardo Colacci has recently completed a beautiful hand-painted fresco which depicts the portal of the Church of Saints Erasmo and Martino.

On behalf of all the members of this House, I would like to introduce and congratulate all the athletes and the man whose vision it was to organize this historic visit to the Vatican, and the artist who created this exquisite fresco to be presented to the Pope on August 9: Liberato Prioriello, president of Youth Bocce Canada; Gerardo Colacci, the artist; and the athletes, Marianne Tabangi, Adamo Balducci, Scott MacLachlan, Rita Santone, Albert Gentili, Robert Badinetti, Erica De Vincenzo, and Valentino D'Addamio.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mr Steve Gilchrist (Scarborough East):** I beg leave to present a report from the standing committee on general government and move its adoption.



**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill as amended:

Bill 15, An Act to regulate the discharge of ballast water in the Great Lakes / Projet de loi 15, Loi réglementant le déchargement de l'eau de lest dans les Grands Lacs.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

## INTRODUCTION OF BILLS

### GOOD SAMARITAN ACT, 2000

#### LOI DE 2000

#### SUR LE BON SAMARITAIN

Bill 98, An Act to protect persons from liability in respect of voluntary emergency medical or first aid services / Projet de loi 98, Loi visant à exonérer les personnes de la responsabilité concernant des services médicaux ou des premiers soins fournis bénévolement en cas d'urgence.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

**Mr Steve Gilchrist (Scarborough East):** You may recall that in the previous Parliament this bill was introduced. It made it all the way to third reading and unfortunately died on the order paper.

The so-called Good Samaritan Act would protect health care professionals and other individuals from liability for negligence in respect of services that they provide in certain circumstances to persons who are ill, injured or unconscious as a result of an accident or other emergency, except if they cause damages through gross negligence.

### 1274187 ONTARIO LIMITED ACT, 2000

Mr Young moved first reading of the following bill:

Bill Pr25, An Act to revive 1274187 Ontario Limited.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

### HIGHWAY TRAFFIC AMENDMENT ACT (HISTORIC VEHICLES), 2000

#### LOI DE 2000 MODIFIANT LE CODE DE LA ROUTE (VÉHICULES ANCIENS)

Mr O'Toole moved first reading of the following bill:

Bill 99, An Act to amend the Highway Traffic Act with respect to number plates for historic vehicles / Projet

de loi 99, Loi modifiant le Code de la route en ce qui concerne les plaques d'immatriculation pour les véhicules historiques.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

**Mr John O'Toole (Durham):** I'm following up on the very diligent work done by a previous member of this Legislature, John Parker, a former MPP for York East. The bill amends the Highway Traffic Act to allow numbered plates to be used on historic vintage vehicles in Ontario that were issued during the year of manufacture of the vehicle and, as a condition satisfactory to the minister, do not duplicate the number of any other existing permit. Historic vehicles are defined as being at least 30 years of age and substantially unchanged or unmodified from the original manufacturer's product.

I'm pleased to support this, representing the riding of Durham-General Motors.

1350

### ONTARIO ENERGY BOARD AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LA LOI SUR LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO

Mr Wilson moved first reading of the following bill:

Bill 100, An Act to promote efficiency in the municipal electricity sector and to protect consumers from unjustified rate increases / Projet de loi 100, Loi visant à promouvoir l'efficacité dans le secteur municipal de l'électricité et à protéger les consommateurs contre les hausses tarifaires injustifiées.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

The minister for a short statement.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** Mr Speaker, I'll make a statement during ministerial statements.

### MOTORIZED SNOW VEHICLES AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LA LOI SUR LES MOTONEIGES

Mr Jackson moved first reading of the following bill:

Bill 101, An Act to promote snowmobile trail sustainability and enhance safety and enforcement / Projet de loi 101, Loi visant à favoriser la durabilité des pistes de motoneige et à accroître la sécurité et les mesures d'exécution.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement.

**Hon Cameron Jackson (Minister of Tourism):** I'm pleased today to rise and introduce an act to improve the sustainability and safety of Ontario's snowmobile trails. Snowmobiling is an important winter recreational activity in Ontario for both residents and tourists alike. Among other benefits, it creates an economic boost to Ontario communities during the winter snowmobiling season, a time of year when the tourism industry needs that increased business.

Given the extensive network and the increased use of snowmobile trails, a mechanism needs to be developed to ensure that people continue to have access to this recreational activity into the future.

At the same time, the government is committed to improving the safety of snowmobiling and reducing snow vehicle fatalities, which average more than 30 each winter in Ontario.

Mr Speaker, this act to improve the sustainability and safety of Ontario's snowmobile trails proposes revisions to the Motorized Snow Vehicles Act and the Trespass to Property Act. It includes a mandatory user-pay approach through a permit for users of Ontario Federation of Snowmobile Clubs trails, and significant safety enhancements.

**The Speaker:** Order, Minister, if you could. I'm sorry; I thought the minister was going to do that during statements. I didn't mean to interrupt. Were you done? I apologize. I thought there was some confusion there.

#### HIGHWAY TRAFFIC AMENDMENT ACT (CELLULAR PHONES), 2000

##### LOI DE 2000 MODIFIANT LE CODE DE LA ROUTE (TÉLÉPHONES CELLULAIRES)

Mr O'Toole moved first reading of the following bill:

Bill 102, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway / Projet de loi 102, Loi modifiant le Code de la route pour interdire l'utilisation de téléphones et d'autres équipements pendant la conduite sur une voie publique.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will—

*Interjections.*

**The Speaker:** I appreciate the levity, but it is a bill, so I would appreciate order.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

The member for a short statement.

**Mr John O'Toole (Durham):** I know the members on all sides have problems with this because they use their cell phones in their cars. But after listening to my constituents in the riding of Durham, specifically Gwen Meraw, I've paid particular attention to how this inter-

feres with the safe operation of vehicles. The bill adds a section, part VI of the Highway Traffic Act, to prohibit the use of cell phones or portable computer packs in cars while driving a vehicle. Specific exceptions are provided for cases like emergencies. The bill also permits the use of phones, faxes etc while driving, as long as the equipment is fully operational with a hands-free feature. The bill goes on to require the registrar to compile data on accidents where cell phones and other portable equipment are in use while driving a motorized vehicle. This bill is a move towards safer transportation.

## MOTIONS

### HOUSE SITTINGS

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** I move that, notwithstanding standing order 9(c)(ii), the House shall meet from 6:45 pm to 12:00 am on Tuesday, June 20, 2000, for the purpose of considering government business.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

### STANDING COMMITTEE ON PUBLIC ACCOUNTS

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** I would ask for unanimous consent to make a motion relating to the standing committee on public accounts.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mr Sterling:** I move that, as authorized by each caucus whip, the members of the standing committee on public accounts, or their alternates, be authorized to attend the 21st annual conference of the Canadian Council of Public Accounts Committees.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

1400

## STATEMENTS BY THE MINISTRY AND RESPONSES

### MUNICIPAL ELECTRICITY EFFICIENCY

**Hon Jim Wilson (Minister of Energy, Science and Technology):** Today I introduced legislation to promote efficiency in the municipal electricity sector and to protect consumers from unjustified rate increases. Two years



ago I introduced the Energy Competition Act, legislation this House passed to ensure Ontarians a safe, reliable supply of electricity at the lowest possible cost. Then, as now, we identified three elements which must work together to ensure we reach our goals: first is competition in generation; second is debt reduction and, third, we need fair and stable distribution rates.

As a government, we've introduced competition in generation. This is spelled out in a plan which requires Hydro's successor company, Ontario Power Generation, to reduce its current dominant position in the generation market to 35% over the next 10 years. We've also introduced a debt retirement plan to reduce and eliminate Ontario Hydro's legacy of debt and liabilities.

But to bring the complete package of benefits to electricity customers, our partners, Ontario's municipalities and their local electric utilities, must share with us the responsibility of making decisions in the best interests of those we are elected to serve. Electricity customers have no choice but to use municipal utilities' wires. They are a monopoly, and operating a monopoly is a privilege. Therefore, it is only right that municipal utilities should deliver electricity at fair and reasonable prices. All local distribution rates are subject to review and approval by the Ontario Energy Board. That is why less than two weeks ago, I directed the Ontario Energy Board to make customer protection its first priority when deciding rate applications. I further directed the Ontario Energy Board to ask municipalities to justify their rate applications before a decision is rendered.

I remind municipalities that two years ago, when we were drafting the Energy Competition Act, the Association of Municipalities of Ontario and the Municipal Electrical Association urged the government not to force amalgamations and mergers in the electricity distribution sector. These same municipalities promised us that if we gave them the tools and incentives, they would do the right thing for customers and move to rationalize their distribution systems, find efficiencies, and ensure the lowest possible price.

Our legislation gave municipalities the tools they requested. The act clarified, for the first time, that municipalities own their electricity utilities. Local councils are the shareholders. We expect the municipalities to act responsibly. Some of them have. But, unfortunately, some municipalities have filed with the Ontario Energy Board for significant increases in local distribution rates, some by as much as 72%. This is being done without regard for the people who have already paid for their utilities, Ontario's electricity customers.

There are more than 250 municipal electric utilities in Ontario, 10 times more than in the rest of Canada combined. Between them, they have more than \$1 billion in cash and investments. Customers have already put more than enough money into the electricity system to shield them against any short-term transitional and regulatory costs brought on by electricity restructuring. As I have said many times, municipalities must earn their rate of return by squeezing efficiencies in their operations, not

by squeezing customers. We cannot afford to lose the many positive benefits of electricity competition.

Let me be unequivocal. Municipalities have been given a tremendous opportunity. They can manage their utilities effectively, create innovative partnerships, merge with other utilities, whatever method they choose to maximize the benefit to their electricity customers. We have tried to work with municipalities and their utilities to make sure they understand and follow the intent of the Energy Competition Act. We have listened to their needs and provided the tools they requested. We urged that they not take advantage of consumers, and we have warned them that if they did not change their ways, legislation would be forthcoming to ensure they put customers first. Our pleas and warnings have gone unheeded. Now the time has come to act.

I have today introduced an act to promote efficiency in the municipal electricity sector and to protect consumers from unjustified rate increases, which, if passed by members of this Legislature, would prohibit municipalities from taking windfall profits out of their local electrical utilities and using these profits to justify rate hikes. This legislation will give the Ontario Energy Board powers to disallow rate increases attributable either to assets or to financing transactions and costs where money does not stay in the electricity system.

It's unfortunate that some municipalities have kept electricity assets like surplus lands and working cash balances, and it's unfortunate that other municipal electric utilities have refinanced, taken out loans and turned the proceeds over to their municipal owners. Our proposed legislation will put a stop to this creative bookkeeping and ensure these windfalls are not used to justify rate increases.

If the legislation is passed, the Ontario Energy Board will have the power to review and ask for detailed financial data. Assets withheld from utilities will not be allowed as justification for rate increases. After all, the ratepayers paid for their electricity systems and we believe the money should stay in those systems.

I'm sure everyone agrees that consumer protection and the lowest possible distribution rates should be our goal. That is what this amendment will do and I hope to have the support of this House to formalize this consumer protection as soon as possible.

## SNOWMOBILING

**Hon Cameron Jackson (Minister of Tourism):** I rise today to introduce an act to improve the sustainability and safety of Ontario's snowmobile trails. Snowmobiling is an important winter recreational activity in Ontario for both residents and tourists alike. Among other benefits, it creates an economic boost to Ontario communities during the winter snowmobiling season, a time of the year when the tourism industry needs increased business.

Given the extensive network and the increasing use of snowmobile trails, a mechanism needs to be developed to

ensure that people continue to have access to this recreational activity now and well into the future.

At the same time, the government is committed to improving the safety of snowmobiling and to reducing the snow vehicle fatalities, which in Ontario, sadly, are on average about 30 individuals each winter.

An Act to promote snowmobile trail sustainability and enhance safety and enforcement proposes revisions to two pieces of Ontario legislation: the Motorized Snow Vehicles Act and the Trespass to Property Act. It includes a mandatory user-pay approach through a permit for users of Ontario Federation of Snowmobile Club trails, and significant safety enhancements and new enforcement provisions. These measures will ensure that the people who benefit most directly from Ontario's organized snowmobile trails system would contribute to its upkeep. The recommended safety and enforcement enhancements would help reduce the number of incidents that occur on snowmobile trails.

These revisions were recommended by a government task force on snowmobiling which was chaired by my parliamentary assistant, the MPP for Brampton Centre, Joe Spina. Among those who were consulted were leaders in Ontario's snowmobile industry, the Ontario Federation of Snowmobile Clubs and the joint public-private sector Ontario Snowmobile Safety Committee.

The government, in co-operation with the snowmobile community and other stakeholders, needs to take action if snowmobiling is to remain a significant winter activity in Ontario. I urge members of the Legislature to vote in favour of this bill so that we can support the development of a far safer and more economically sustainable snowmobile trail system for our province.

**The Speaker (Hon Gary Carr):** Statements by ministries? Responses?

**Mr John Gerretsen (Kingston and the Islands):** We all realize the tremendous economic impact that the snowmobilers have on our province of over a billion dollars per year. We also recognize the fact that we've got over 49,000 snowmobile trails in Ontario, which is much more than the road network that we have, yet it's all basically being maintained by volunteers. The question we have is, why isn't some of our gasoline revenue that snowmobilers pay going into the system?

What we're suggesting to the government is that this bill be referred after first reading for public hearings in the province of Ontario. We think it's very important to do it after first reading. There are an extremely large number of groups out there that have an opinion on this kind of legislation. We welcome the enhancement as far as the safety aspects are concerned, but on all other aspects of the bill we want to hear from the general public.

**Mr Michael A. Brown (Algoma-Manitoulin):** I want to the speak to the announcement by the Minister of Tourism also and indicate that snowmobiling is an important economic activity within my constituency.

It's also a recreational one and I want to echo the thoughts of the member for Kingston and the Islands with regard to the volunteers. Volunteers have done an abso-

lutely incredible job in maintaining a huge network of trails in Ontario, and I think that they deserve the applause.

It's now time for government to recognize some of the problems inherent in what the minister just announced. As we go across the province talking about this bill, and I hope we do, we can talk about the traditional users who will need to be on these trails who have no interest in the snowmobile trails in general. I know from talking to people from the snowmobile federations that they understand this is a problem and they're looking for a resolution also.

I want to reiterate that northerners particularly are interested in this bill and we want to hear from the public on how we might address its shortcomings.

1410

#### MUNICIPAL ELECTRICITY EFFICIENCY

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I want to respond on behalf of my Liberal colleagues to Minister Wilson's statement about electricity rates.

Well, well, well, two years after we began the debate on the electricity policy of the Harris government, even Jim Wilson, the last one in the province, now admits that under his electricity policy electricity rates are going up and they're going up for everybody. Whose fault is it? He's playing the blame game—it's all the municipalities' fault—when the reality is the municipalities are only playing by Jim Wilson's rules.

Two years ago in the committee the municipalities said, "Leave us the option of being not-for-profit local utilities." Jim Wilson's answer: "No, you must be for-profit people under the government's legislation." The evidence before the committee was that municipalities could restructure, that there were efficiencies, but nobody expected that under the Harris government's electricity policy we were going to get a much bigger, stronger, more expensive Ontario Hydro Retail, and that's what we're getting. A lot of the orderly restructuring that should be happening out there, particularly in southern Ontario on the distribution side, can't happen and won't happen because the real monopolists here are in the Harris cabinet. They rigged the rules of this electricity policy in favour of the provincially owned Hydro.

Do you know those new ads that are out there? They are absolutely prophetic. Hydro One? Under Mike Harris's electricity policy, it's Ontario Hydro won—w-o-n—because we've got a monopoly generator where the big change has to occur, and it's not occurring.

I have in my hand today a letter from a big industrial consumer in eastern Ontario, and there's no municipal utility involved in their transaction. They're being told by their supplier, Mike Harris's wholly-owned Ontario Hydro: "Get ready this fall. Your rates are probably going to go up 20%." That's three million bucks on their bottom line. When these people talk to Mike Harris's Ontario Hydro about, "Isn't there any compassion for the



customer?" the answer is, "We are obligated under these new rules to maximize the benefit for our shareholder, the Ontario government."

That's what is going on out there with the direct customers of Ontario Hydro. You bet there are monopolists at work and they are the monopolists that are wholly owned by the Ontario government.

We've also got Hydro One, the new, bigger growing Ontario retail company. They're out buying up municipal utilities and paying premiums of 30% and 40%. Those selfsame people restructured in the dark last year and gave themselves a commercial rate of return of 9.3%. What are Jim Wilson and Mike Harris going to do about that gouging and that monopoly?

### SNOWMOBILING

**Mr Tony Martin (Sault Ste Marie):** I want to respond to the statement by the Minister of Tourism and say that it's nice to see him continuing to build on the foundation we put in place when we were in government between 1990 and 1995 where snowmobiling is concerned.

We think this is good, but we have some concerns. We think it's about time. With increased use of trails, the need to look at existing legislation and tailor it to meet tourism and safety concerns was great. A mandatory permit helps law enforcement. By making it mandatory to carry a permit and licence, it will also make it easier for police to lay charges for safe driving or trespassing infractions.

The permit fees will help pay for trail grooming. The focus has been on making new trails or building new bridges, not necessarily on ensuring proper trail maintenance. We think the helmets-and-life law is good. There are about 35 to 40 snowmobile-related fatalities each season in Ontario, so any safety features to help prevent future fatalities are obviously welcome.

We do have some real concerns, though. We don't think it deals effectively with safety concerns. A coalition of police and government agencies is demanding stricter standards for snowmobiling to ensure safety. This group is trying to promote national standards for snowmobile safety, and Ontario should be at the forefront of that effort.

We also think that this bill should go to public hearings, because we in northern Ontario have some real concerns about the impact of this on the people who work and live in our neck of the woods.

### MUNICIPAL ELECTRICITY EFFICIENCY

**Mr Howard Hampton (Kenora-Rainy River):** I want to respond to the Minister of Energy, and I want to remind citizens of Ontario that this is the Minister of Energy who said, "Deregulation is going to lead to your electricity rates going down." Now he's in here saying: "Oops, we have to re-regulate. Otherwise, the prices are going to go up." And he's accusing the municipal utilities

of some great sin. What is the great sin? The great sin is they're behaving like profit-making operations. They're behaving the way your legislation says they're supposed to work. They're supposed to out there and maximize their profit.

But it is more insidious than that. This minister knows that all across Ontario municipalities are staggering under the downloading of this government. They don't have enough money to protect their water systems, they don't have enough money to treat their sewage systems because this government has withdrawn, so they're looking for ways to find money to manage all these problems that are being downloaded on to them. One way is to do as the legislation suggests: maximize their profit from the utility. But now the government steps in and says, "No, you can't do that."

But the people need to know this: If a community sells their utility to a private company, the private company can go out there and float the whole thing with debt and then go before the energy board and say, "We need a 20% rate increase to cover our debt." This regulatory legislation doesn't cover a private company. A private company can go out there and milk the ratepayers for all they want.

So what is this government really doing? What they're really doing is this: They're going to force municipal utilities to privatize. They're going to force municipal utilities to follow the agenda of the Minister of Municipal Affairs, to sell off the rates, but once they're sold off to a private company, the private company isn't regulated at all. It can raise rates 20%, 30%, 40%, and this government doesn't have a thing to say about it.

That's what's really going on here. This is a government that said, "Deregulation is going to lower your power rates." It's not. The municipal utilities are only obeying your legislation. They're trying to behave like profit-making companies, they're trying to maximize profit—they increase rates. You say you're protecting the consumer. You're only going to drive municipalities to sell their utilities to private companies. This legislation won't cover private companies. A private company will be able to walk in, finance the whole thing with debt and raise rates over and over again.

Again, to bring everybody back to reality, the minister says that rates elsewhere aren't rising. Well, why is every paper mill, every sawmill, every mining operation—Inco, Stelco—receiving notices from Hydro, "Your rates are going to go up by 20%"? That's going to cost us jobs. What are you going to do about that, Minister? Come in here a week from now or after the House isn't sitting and announce again that you have to re-regulate? Your whole agenda of deregulation is failing.

### VISITORS

**The Speaker (Hon Gary Carr):** We have with us today in the Speaker's gallery a delegation from Bulgaria which includes members of their Parliament and their

Secretary General. Accompanying the delegation is the Consul General of the Republic of Bulgaria to Toronto.

## DEFERRED VOTES

### EDUCATION ACCOUNTABILITY ACT, 2000

#### LOI DE 2000 SUR

#### LA RESPONSABILITÉ EN ÉDUCATION

Deferred vote on the motion for third reading of Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience / Projet de loi 74, Loi modifiant la Loi sur l'éducation pour rehausser la qualité de l'éducation, accroître la responsabilité des conseils scolaires devant les élèves, les parents et les contribuables et enrichir l'expérience scolaire des élèves.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1420 to 1425.*

**The Speaker:** All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

#### Ayes

Amott, Ted	Hardeman, Ernie	O'Toole, John
Baird, John R.	Harris, Michael D.	Palladini, Al
Barrett, Toby	Hodgson, Chris	Runciman, Robert W.
Beaubien, Marcel	Hudak, Tim	Sampson, Rob
Chudleigh, Ted	Jackson, Cameron	Snobelen, John
Clark, Brad	Johns, Helen	Spina, Joseph
Clement, Tony	Johnson, Bert	Sterling, Norman W.
Coburn, Brian	Kells, Morley	Stewart, R. Gary
Cunningham, Dianne	Klees, Frank	Stockwell, John
DeFaria, Carl	Marland, Margaret	Tascona, Joseph N.
Dunlop, Garfield	Maves, Bart	Tilson, David
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	Molinari, Tina R.	Turnbull, David
Flaherty, Jim	Munro, Julia	Wettlaufer, Wayne
Galt, Doug	Murdoch, Bill	Wilson, Jim
Gilchrist, Steve	Mushinski, Marilyn	Witmer, Elizabeth
Gill, Raminder	Newman, Dan	Young, David
Guzzo, Garry J.		

**The Speaker:** All those opposed to the motion will please rise one at a time.

#### Nays

Agostino, Dominic	Curling, Alvin	Marchese, Rosario
Bartolucci, Rick	Di Cocco, Caroline	Martel, Shelley
Bisson, Gilles	Dombrowsky, Leona	Martin, Tony
Bountrogianni, Marie	Duncan, Dwight	McGuinty, Dalton
Boyer, Claudette	Gerretsen, John	McLeod, Lyn
Bradley, James J.	Gravelle, Michael	Parsons, Ernie
Brown, Michael A.	Hampton, Howard	Patten, Richard
Bryant, Michael	Hoy, Pat	Peters, Steve
Caplan, David	Kennedy, Gerard	Phillips, Gerry
Christopherson, David	Kormos, Peter	Pupatello, Sandra
Churley, Marilyn	Kwinter, Monte	Ramsay, David
Cleary, John C.	Lalonde, Jean-Marc	Ruprecht, Tony
Conway, Sean G.	Larkin, Frances	Sergio, Mario
Crozier, Bruce	Levac, David	Smithman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 52; the nays are 42.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

This House will stand recessed for five minutes while we ask our friends in the gallery to withdraw.

*The House recessed from 1428 to 1434.*

## ORAL QUESTIONS

### WALKERTON TRAGEDY

**Mr Dalton McGuinty (Leader of the Opposition):** My questions are for the Premier. I want you to know what they're saying in Walkerton this week. There's a story in this week's Walkerton paper, the Walkerton Herald-Times, and it quotes at length from one public official whose efforts during the tragedy were nothing less than heroic.

Dr Murray McQuigge, the local medical officer of health, appeared before the town council, and, Premier, I can tell you that he has taken the gloves off and he is telling it as he sees it. These are some of the things he said. He described the state of Ontario's drinking water supply as "a bomb that was waiting to go off." He goes on to say, "We knew for a certainty that this was going to happen."

We have spent the last several days, in fact a few weeks now, telling you about warning after warning that you and your government officials had received. Premier, why didn't you listen to those warnings?

**Hon Michael D. Harris (Premier):** In the wake of Walkerton there were all kinds of allegations and accusations. In order that we can get to the bottom of what happened and ensure that this kind of tragedy never happens again, we have set up a number of independent inquiries to see who was saying what, are they credible and did they call for this? There have always been some who will say, "We disagree with this policy," or "We disagree with that policy."

Let me say that I think the chief medical officer of health has done heroics there in Walkerton. We are very supportive of the early action he took, and certainly I know the people of Walkerton are very supportive of the actions we've taken both for short-term assistance and of course in a longer-term look.

**Mr McGuinty:** Premier, you didn't listen back then and you're still not listening today. I'm talking to you about what Dr McQuigge said about this issue. This is a man whose reputation here is impeccable, a man of the utmost integrity, who agonized over this issue and who deeply regretted the fact that he didn't have the information he needed in a timely way so that he could have saved lives.

Listen to what else he said. The article says, "Time and time again, Dr McQuigge drew attention to the inadequacy of regulations and standards for both rural homes with wells and municipalities. McQuigge told Grey



county council last week that the switch to private labs in 1996 for water testing was regarded by medical officers of health as a bad idea right from the beginning. 'We knew for a certainty this was going to happen,' he said grimly. 'This was like a bomb waiting to go off,' he said."

Premier, he's telling us that this was like a bomb waiting to go off. That bomb has gone off once already; it could go off again, but you continue to refuse to listen to warnings you received in the past and to those warnings that we draw to your attention and to your minister's attention day in and day out. Will you now take our advice and hire the 100 inspectors and enforcement officers we need out there on the ground right across the province today to prevent this kind of a tragedy from occurring again?

**Hon Mr Harris:** Certainly we've suggested that the ministry and the various inquiries and, of course, the consultant we've hired as well, take a look at ministry practice, listen to Dr McQuigge and review all the evidence of any who have suggestions as to how we can do a better job in the future.

Like Dr McQuigge, we too regret that information was not made available in the kind of timely fashion it ought to have been to have prevented the tragedy that occurred in Walkerton. That's why, of course, your advice in 20-20 hindsight is very appreciated. It's not going to change Walkerton, but we're certainly committed to ensuring that we get best practices in place so that a Walkerton-type situation never happens again.

1440

**Mr McGuinty:** Premier, as this session winds down one thing is perfectly clear and that is that your priorities are totally out of whack. Seven people died in Walkerton, potentially as many as 14. The conditions that led to that tragedy still exist, still prevail throughout the province today, yet you're content to sit on your hands. There are things we could do today to make Ontarians safer when it comes to their own drinking water. You want to sit on your hands. You say you can't do anything at this point in time. On the other hand, when it comes to giving yourself a 33% pay hike, you're prepared to put the wheels in motion so that everything moves quickly. Premier, why is it that you've got a lot of cash for yourself but there is no money available to hire 100 new inspectors?

**Hon Mr Harris:** I don't know if the member is referring to the legislation that he unanimously supported in the last campaign and going into the campaign that called for the Speaker to have an independent report. On May 16, 2000, Dalton McGuinty said: "It's important to be done at arm's length. We'll wait and see what they come up with; never a right time, but I haven't had a raise in 10 years. I think it's appropriate to undertake a review."

I understand that in a matter of a couple of weeks, you've flip-flopped on your position there. Strong leadership means you don't flip-flop every time you think the public mood has changed.

Let me repeat that when it comes to Walkerton—  
*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Sorry to interrupt, Premier.

**Hon Mr Harris:** We want to get to the bottom of what happened in Walkerton. We have, since Walkerton, been very responsive and quick to provide short-term assistance. The Minister of the Environment provided clarification of the regulations within a matter of days. We have a number of inquiries, plus a management review at the Ministry of the Environment. I think most objective observers would say that we treat the matter very seriously and that we have moved very quickly.

As to the matter of your flip-flop on the independent commission, you will have to answer for that, not me.

**The Speaker:** New question.

**Mr McGuinty:** My question's for the Premier. On this matter of the pay hike, I have been perfectly clear. A 33% pay hike is totally ridiculous. It is unacceptable, it is absurd and it is perverse. You were given the opportunity this morning, perverse—Premier—

*Interjections.*

**The Speaker:** Order. Stop the clock. Leader of the official opposition, sorry for the interruption.

**Mr McGuinty:** Premier, you were given the opportunity this morning to reject a 33% pay hike out of hand. You refused to do that. It's my opinion that the people of Ontario are not at all prepared to accept a pay hike of that amount. That's where you and I differ. You think 33% is OK and acceptable. I think it is ridiculous.

*Interjections.*

When it comes to Walkerton, you failed to do two things in particular—

**The Speaker:** Sorry to interrupt. Stop the clock. Government members come to order. We can't continue when you're yelling and screaming at him. I know people are laughing. We're coming to the end of a session. We can't continue on like this. He's trying to ask a question. You can't be yelling and screaming so that I can't hear him. I would say very clearly that government benchers can be named as well. Sorry for the interruption. Leader of the official opposition.

## WATER QUALITY

**Mr Dalton McGuinty (Leader of the Opposition):** Premier, when it comes to Walkerton, you have failed to do two things in particular: One, you have failed to accept responsibility for the problems created by your changes, your cuts, your negligence in ignoring all those important warnings; two, you have failed to start rehiring the people you let go so that we'll have the necessary people on the ground to conduct the inspections and provide reassurance to the people of Ontario when it comes to the safety of their own drinking water.

Time's running out on this session. Why is it you won't do those two simple things: accept responsibility and hire the 100 inspectors?

**Hon Michael D. Harris (Premier):** We have accepted responsibility and do so, and also we've accepted responsibility for immediate assistance to the people of Walkerton. We've accepted responsibility to get to the bottom, with full inquiries as to the cause of Walkerton, and we accept responsibility today and into the future for insuring a Walkerton doesn't happen again.

I might add, the main preamble to the Leader of the Opposition's question seemed to be trying to cover up his flip-flop on the matter of supporting an independent commission. On May 16, Howard Hampton, at least to his credit, said, "I'm not in favour of any raise." What did Dalton McGuinty say on May 16? Dalton McGuinty said: "You know, there's never a right time, but it has been 10 years. I think it's appropriate to undertake a review at this time." He says, "I think it's important to be done at arm's length." Again, "It has been 10 years."

**The Speaker (Hon Gary Carr):** Order. The Premier's time is up.

**Mr McGuinty:** You think 33% is right, you think it's acceptable to Ontarians; I don't. That's the distinction, Premier.

Premier, I know that for you vacation is kind of an ongoing thing, but many Ontario families will have their first opportunity at a vacation this summer, and they'll be flocking to summer camps, they'll be going to trailer parks and they'll be stopping along the way at roadside service stations. These are public places, all of which are served by private wells. The important matter here is that private wells of this nature today in Ontario are not being tested. In letter after letter, public health inspectors have been telling your government that you can't just leave it to the owners.

One told you in February, "Self-regulation may be acceptable for some suppliers of water in Ontario, but most suppliers, I contend, do not complete the work outlined in the Ontario Drinking Water Objectives."

Premier, now that you know, now that you understand that all these Ontario families are going to be braving the traffic and seeking respite by going to campgrounds and trailer parks and stopping at service stations along the way, all of which are supplied by private wells, and now that you know they're not being tested, and now that you know how deadly this can be, what a tremendous risk this can present, why are you still putting Ontarians' health at risk?

**Hon Mr Harris:** Nothing could be further from the truth. The rules and the regulations are there for testing water, and I can tell you that we expect those rules to be followed. I am sending that signal, and have, across Ontario. I'm happy to send it today. If there is any trailer park, if there is any gas station, if there is anybody who is providing water to the public who is not following those rules, they are going to be very sadly disappointed.

**Mr McGuinty:** Premier, that's not good enough. Public health inspectors are telling us that this water is not being tested. They've told you that over and over and over again.

You can't stand up in this House today and say that it is your expectation that those private operators will conduct those tests. You can't follow up on it. You don't have the inspectors necessary on the ground to do that kind of work.

Here's a letter that came from a top ministry official, writing on behalf of Dan Newman, your Minister of the Environment. This official says: "Thank you for your letter of February 1, 2000. The Honourable Dan Newman has asked that I respond on his behalf." She concludes with this paragraph, which is very telling, "As you can appreciate, there are many water works in the province that fall within our mandate and the ministry must deploy their staff where they obtain the best environmental protection and overall service to benefit the most people."

Do you know what she's telling us here, Premier? She's telling us that in the Ministry of the Environment today they don't have enough people to protect everyone's water, so they're trying to protect some people's water. That's the state of affairs inside the Ministry of the Environment today.

**1450**

Premier, you know what the solution is. Why are you being so stubborn about this? It's a simple matter of saying that you went too far, you cut too many jobs, we don't have the capacity today to make sure that Ontario drinking water is safe and you're going to do the right thing, regardless of any political fallout. I want you right now to stand up and say you agree, you're going to hire 100 inspectors and enforcement officers for no other reason than that it is the right thing to do.

**Hon Mr Harris:** Clearly, we are committed to ensuring that all the resources are made available in as timely a fashion as we possibly can to meet all of the rules and regulations that are out there. In addition, I think in the wake of Walkerton there have been some who have suggested that the rules in Ontario are not strong enough, that we need stronger legislation, that we should have a review of that. We are doing that too. If there's anything that is broken within the Ministry of the Environment, we have committed to taking a look at it and to fixing it. It may be that 100 or 200 inspectors are required. It may be that new procedures are required. It may be that new legislation is required. In the meantime, if you are aware of any well anywhere in the province serving the public that needs inspection and attention, let us know and we'll make sure that it's taken care of.

**The Speaker:** New question, leader of the third party.

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier and it is about the quality of Ontario drinking water.

Thousands of Ontario families want to take their children camping this summer in an Ontario provincial park, but they're very worried by what they read about the quality of drinking water in Ontario parks. In fact, one of your own investigators says that when he goes to a provincial park, he doesn't drink the water. He says it's very scary.



Every day we learn more and more about how your government is doing less and less to protect the quality of our drinking water. Given the warnings from the Ministry of the Environment, what is your advice to the thousands of mothers and fathers who want to take their children camping this summer in an Ontario provincial park?

**Hon Mr Harris:** It's the same advice it would have been 10 years ago: If you're concerned about the water, boil it or take your own drinking water.

**Mr Hampton:** In my constituency, the medical officer of health now says, and this is for the first time, that in parks like Quetico, Blue Lake, Sandbar Lake, Ojibway, Pakwash and Lake of the Woods the water is not safe to drink. This is in addition to the boil-water advisories for over 700 fishing camps.

It isn't the Ministry of the Environment that's doing this testing; it's the medical officer of health who's using his own severely restricted budget to go out there and do the testing that you're not prepared to do, that your government has cut. What are you going to do to help people protect the quality of the drinking water? You seem to be throwing the responsibility off on to everybody else, including the citizens alone. What's your government doing?

**Hon Mr Harris:** When it comes to the provincial parks that we own, we are following the procedures that have been ongoing since the 1960s and the 1970s. We test and we re-test the water in Ontario parks on a weekly basis. It's well-established; it has been in place and is in place today. We take this matter very seriously. There is also a long-standing, well-developed public health program employing classified public health policy officers, seasonal environmental sanitation inspectors. If there are lakes where there are cottages or provincial parks, the parks are required, if there's a notification the water is not safe to drink, to have that well posted, and it's put forward. That's the way your government did it, that's the way the Liberals did it, that's the way Bill Davis did it, that's the way we do it.

**Mr Hampton:** The problem has gone beyond that; we're now dealing with whole communities that are receiving boil-water advisories because the surface water has been contaminated.

Let's take a community like Red Lake or a community like Vermilion Bay or a community like Hudson, and there are dozens more in the province, where they have been advised by the medical officer of health, not by the Ministry of the Environment, that they're dealing with cryptosporidium and giardia. You might remember cryptosporidium. It made tens of thousands of people in Milwaukee ill in 1993 and killed over 100 people, and you can't treat it with chlorine. These communities don't have the money to put in a proper filtration system by themselves, and when they turn to your government, the Premier says, "Just boil your water."

Premier, is that your answer to people across Ontario, just boil water or buy water, that your government isn't responsible for anything? What is your government

doing? Dozens of communities can't drink their water any more.

**Hon Mr Harris:** When it comes to a remote cottage or a provincial park, I gave you the policy we follow. There are 219 drinking water systems in 106 operating parks. Eight parks receive their water from municipal systems. The park is responsible. All drinking water is disinfected using sodium hypochlorite, chlorine; free available chlorine residual measures. We test that; it's there. If there is water, though, in these remote parks where there isn't water provided, then in some of the areas where there are no water systems, that information is provided on whether the water is safe to drink or not.

If it comes to municipalities, as you know, we have provided \$200 million to play catch-up from the mess you left us when you were in government to allow municipalities and towns to upgrade their systems. We now are looking at whether more money is required. If there are municipal systems that need upgrading, then obviously that's something we're going to take a look at, both through the federal-provincial infrastructure program and through our own provincial infrastructure program. Certainly if there is any town anywhere that has a system that they have concerns about, they should be putting plans in place to address that, and assistance will be available if it is beyond that municipality's means.

**The Speaker:** New question, leader of the third party.

**Mr Hampton:** Premier, I have another question about water, and it concerns the actions of officials of your government endangering the drinking water in the township of West Perth. The township of West Perth has so little faith in your government's ability to protect its residents' water that it introduced a comprehensive set of local bylaws which, shockingly, your government is directly trying to overturn.

The township put a cap on the number of livestock that would be allowed on large-scale intensive farms, but your government has challenged the bylaw and has now taken the municipality to the Ontario Municipal Board. During that hearing, your staff reassured the OMB that things were in hand, but West Perth township Mayor John Van Bakel says that your government's current system requires one farmer to complain and report another farmer. He says that it is completely reactive, that there's nothing proactive happening.

Premier, if your government is not prepared to act to protect the surface water, why are you stopping municipalities from doing what they can to protect the surface water?

**Hon Mr Harris:** I think the Minister of Municipal Affairs can respond.

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** As the honourable member might know, this is a matter that is before the OMB. I can report to this House that the government is taking a position at the OMB. We are taking a position that is consistent with the provincial policy statement, which is designed to protect environmental resources, including water.

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**Mr Hampton:** Minister, the mayor of West Perth, who happens to be a farmer himself, says, "We've lost confidence in this government's ability to enforce." That's a direct quote.

During the OMB hearing, the mayor, who is a farmer, said he's simply trying to protect the township, and most of his ratepayers agree with him. The mayor says there are fewer family farms now in West Perth, but those that are there have far more livestock per acre of land than ever before. He has been worried about the effect factory farming might have on the community's ability to protect its water. Now that Walkerton has highlighted his concerns, he says he is more concerned than ever about the township's capacity to protect the water.

Minister, why are you before the OMB trying to strike down the bylaw of a municipality that is trying to do the job that your government won't do?

**Hon Mr Clement:** As the honourable member well knows, it is the position of this government to protect the provincial interest as enunciated in the provincial policy statements and in the Planning Act. There are ways to get at the problems that he is talking about, and there are ways to do so that are perfectly consistent with the interests of the public, which is clean water, clean air and clean soil, and there are also ways that contradict that. It is our position that there are ways to get at this problem.

I can tell you that my colleague the honourable Minister of Agriculture, Food and Rural Affairs has had a task force that has been going around to the rural municipalities to deal with intensive farming issues. There is a report due on that. Those are the kinds of things we as a provincial government can do. Those are the ways we can be helpful, not only in West Perth but throughout the province, on the particular issue the member is concerned about.

There are ways to do that, and we are doing so in a way that is protective of the provincial interest and is consistent with the general policies of cleaner air, cleaner water and cleaner soil.

### COST OF ELECTRICAL POWER

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** My question is to the Minister of Energy, and it concerns electricity rates. Two years ago, you promised the consumers of Ontario that you and your colleagues were going to enact an energy policy, an electricity policy, that would have at its core a competitive marketplace that was going to bring rates down. That was your promise. Now you are attacking municipalities for what they are doing, playing by the rules of the game as you wrote them, and most people are discovering that their rates are going up.

My question to you today is very simply this: In the last few weeks, many of my colleagues with names like McLeod and Gravelle and Lalonde and Crozier have come to me, as energy critic for the Liberal Party, and asked me why it is that large industrial consumers in their

communities who are direct customers of Ontario Hydro are being told to get ready for a 20% rate increase later this fall. Why is that happening from your wholly-owned subsidiary, and what specifically are you going to do to deal with that very significant and surprising rate escalation from Ontario Hydro, a company that you control?

**Hon Jim Wilson (Minister of Energy, Science and Technology):** First of all, in the 40 jurisdictions in the world that have introduced electricity competition, nowhere have rates gone up. Everywhere have rates gone down. Rates have gone down between 5% and 40%, whether that be the UK, Australia, New Zealand, 23 American states—40 jurisdictions in the world.

Clearly, with the cap and the freeze we've had on hydro rates for the five years that we've been in office, the best guarantee of lower rates in the future—and this is what we've always said—is competition and a competitive market in the generation of electricity.

Rates will go up if municipalities continue to do what they are doing. Some of them are holding the generators to ransom, because you have to use their wires to get your power to people's homes and businesses. We cannot allow them to double and triple the distribution rates simply to take that money and pad their municipal budgets. That can't be allowed. All the partners have to work together to make rates come down and allow us to introduce a competitive market in this province.

**Mr Conway:** It is a pathetic sight: Jim Wilson playing Charlie McCarthy to Bill Farlinger's Edgar Bergen, because the government promised one thing but is delivering something quite different. They promised competition, but they are not delivering competition. If you talk to people like Falconbridge and Inco and a host of other large and small industrial and residential consumers, they will tell you they are not seeing a competitive marketplace.

It's worse than that. Nobody expected that Ontario Hydro Retail was going to get bigger, not smaller. One of the reasons we're not seeing the kind of restructuring that would give consumer benefits on the retail side is that Jim Wilson is giving you a bigger, not a smaller, Ontario Hydro Retail because he rigged the rules in his policy in favour of his hydro monopoly.

My question to you is, what today are you prepared to offer the consumers, large and small, in this province? What are you prepared to do to remove the unfair advantages that you gave in your electricity Bill 35 to your companies, Hydro Generation and Ontario Hydro Retail, that are in the marketplace today acting as monopolists and gouging the hell out of large and small electricity consumers?

**Hon Mr Wilson:** I'll try and answer the questions here. First of all, we put in place two weeks ago a four-year transition program for those 136 companies that, by previous governments, were given special rates in the province, rates lower than Mrs Jones can get at her home in Alliston, rates lower than anyone else can get. It's unfair, but we are prepared, and we've told those companies there's a transition program in place until compe-



tition is in place and they have the ability to shop around for lower rates.

So we're going to wean those companies off their preferred rates until competition. There is no competition yet because the starting pistol only goes off at the end of this year or when the market opens. It will take three or four years until there is competition, and then those companies will be able to shop around. Those same companies—and I dare you to find one that doesn't agree with a competitive market—and the association of major power users in the province have urged this government to move and to move quickly to introduce competition. That's exactly what we're doing.

#### MENTAL HEALTH SERVICES

**Ms Marilyn Mushinski (Scarborough Centre):** My question today is for the Minister of Health and Long-Term Care. Yesterday I had the opportunity to attend the opening of Gatesview House in Scarborough. Gatesview House is run by the Rouge Valley Health System and provides housing and other supports for mental health patients in a community setting. I wonder if you could inform this House what the government has done to ensure that important services like this are available for mental health patients.

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** Our government has moved forward in order to ensure that individuals who suffer from serious mental illness have access to high-quality services right in their own community. As the member has just indicated, she did attend the opening yesterday of Gatesview House in Scarborough, which is run by the Rouge Valley Health System.

We want to make sure there is a continuum of care available for those people who suffer from serious mental illness. We did allocate a total of \$45 million, and so far, \$20 million has been awarded in order that we can have an additional 1,000 beds in Toronto, in Hamilton and in Ottawa. This is part of that move to provide the necessary housing for those individuals.

**Ms Mushinski:** Gatesview House has been made possible in part by the efforts of police officers like Community Relations Officer Barry Gytton of 42 division, who regularly deal with the mentally ill. In fact, Inspector Gary Ellis of 42 division has been working on a project that brings together front-line police officers and mental health workers. The project consists of mobile crisis units that help officers deal with mental health calls. Individuals can then get the mental health services they need, rather than being taken into police custody. What is your ministry doing to encourage community organizations to get involved to help deliver community-based mental health services?

**Hon Mrs Witmer:** Again, we are most anxious to ensure that there is a continuum of care provided for those individuals who suffer from mental illness, beginning with preventive care and then, of course, community-based services as well as institutional care. We have

invested since 1995 a total of \$150 million into additional mental health services, but particularly in the area of community-based funding, the amount of money that has been allocated since 1995 has increased by about 95%. It has gone from \$239 million to \$466 million. In doing so in Toronto we do work with the community-based organizations, and we've actually set aside \$25.1 million for community-based services. We now have the ACT teams who support the seriously mentally ill in the community 24 hours a day. We have the court diversion programs, we have crisis services, we have case management, and we also have support for families.

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#### HOME CARE

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the Minister of Health. The Ontario Association of Community Care Access Centres released a report on the state of home care last week. The report tells us that more than 11,000 people are stuck on a waiting list for home care. They can't get homemaking or speech therapy or physiotherapy. In fact, they often can't even get the nursing services that are needed because people are being sent home from hospitals sooner. They are people like Judy Jordan Austin, who was sent home after a quadruple bypass and spent \$6,000 to get the home nursing care that your government is not providing. If you can't pay, you're one of the 11,000 who get stuck on a waiting list.

Every home care agency is looking at huge increases in the need for service. They can't even meet the existing needs, yet you put no new money into the budget for home care. Minister, the people you have made responsible for home care are telling you they can't meet the need without more resources. How will you respond to their cry for help?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** The member knows full well that our government has made a tremendous commitment to increasing the level of funding that is available for services in our communities. In fact, we are ahead of any other province in Canada when it comes to support of our residents in the area of home care.

Let's take a look at Toronto, for example. In 1995, home care was receiving \$110 million. I'm pleased to say that in the year 2000, home care in this city is receiving \$230 million. That is an increase of \$120 million and 105%.

In each and every community throughout this province since 1995 there have been tremendous increases in funding in order to ensure that our citizens get the highest funding per capita, when it comes to community services, of any province anywhere in Canada.

**Mrs McLeod:** What I know is what the people who take the calls day in and day out from people who need care are trying to tell you. They're trying to tell you that there are 11,000 people today, at this point in time, who are stuck on a waiting list and can't get the care they

need. Some of these are people who have been sent home from hospital early because of your cuts to hospitals. Without nursing care, they'll be back in hospital again, with complications, and it will cost a lot more to provide care there. Some of the people on the waiting list have had heart surgery or hip replacements, and if they can't get the physiotherapy, they're not going to recover properly. Some of them are frail elderly seniors, and without care they are going to have to go into long-term-care facilities, and you already have a waiting list of 18,000 for long-term-care beds. If those frail elderly seniors don't get the care while they are waiting for a long-term-care bed, they're going to have serious accidents, they're going to become ill, and then you'll have to provide care.

Minister, I think you know that the funding you're providing for home care doesn't meet the increased demands for care, and that's why your answer has been to ration home care. You've refused to deal with either the funding shortage or the staff shortages. I ask you again, as a start, if you are truly committed to providing care at home, will you make a commitment today to increase the home care budget to match the increased demand for services that exists now and to pay fair salaries for home care workers?

**Hon Mrs Witmer:** The member knows that we are very committed to ensuring the health and safety of all residents in the province of Ontario. I have already indicated that we spend the highest per capita in this province; it's about \$115 per capita. The next highest is Manitoba, with \$97 per capita. I'm also very pleased to indicate that currently we are spending about \$1.5 billion on home and community services. We are also one of only three provinces that do not charge a copayment for personal care and homemaking services.

However, I understand that there is a report and I want to tell the member opposite that we will review each recommendation. We are always concerned, and if there is something more we need to do, I can assure the member that it would be our plan to continue to address those concerns, as we have in the past.

## E-COMMERCE LEGISLATION

**Mr Doug Galt (Northumberland):** My question today is for the Attorney General. Last Tuesday you introduced the Electronic Commerce Act. I think this is indeed an excellent move by our government considering the technological advances that we've witnessed over the last few years. We need to make sure that our laws are up to date and accommodate our technological environment.

Minister, what are the benefits of Ontario enacting legislation to govern electronic commerce? A tough one.

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** I thank the member for Northumberland for that difficult question. Currently the laws are not clear as to whether particular contractual requirements are met by electronic communications. This legal uncertainty can slow the adoption of electronic processes and business transactions. It is this uncertainty

that reduces the efficiency of operations in government and in the private sector, hurting the competitiveness of our economy in Ontario.

That is why we've introduced the Electronic Commerce Act. By making it possible to bring legal effect to electronic contracts, more people will engage in on-line business. This in turn will stimulate the economy. As consumers become more confident in engaging in e-business, companies will realize profitability and increase investment in the industry.

With all these global and technological forces at work, this government is ensuring the continued prosperity of Ontario with the introduction of the Electronic Commerce Act.

**Mr Galt:** Thank you very much, Minister, for that response. That's exactly what I was trying to explain to the opposition yesterday afternoon, but they didn't seem to quite understand it.

Like many of my constituents, I'm concerned with the lack of documentation when making a purchase over the Internet. There's a possibility, of course, of mistakes being made. Therefore, consumer confidence in using electronic commerce is still just a little bit shaky. How will consumers be protected by this proposed legislation?

**Hon Mr Flaherty:** The member for Northumberland has raised an important question about consumer protection in the electronic world. Consumers operating in an on-line world with no paper documentation certainly need protection. So the proposed legislation contains a special rule about mistakes made by individuals in dealing with an electronic agent; that is, an automated source like a Web site. It would allow individuals to cancel the mistaken transaction unless the merchant provided a mechanism to avoid or correct mistakes at the time of the order. This encourages merchants to design sites with confirming messages like, "Are you sure?" Thus, consumer confidence in using electronic commerce will increase.

This government is dedicated to improving the way we do business. We are proud to be taking a leadership role in electronic commerce.

## RETIREMENT HOMES

**Ms Frances Lankin (Beaches-East York):** My question is to the minister responsible for seniors. Last week I told you that the city of Toronto's retirement home inspection program was going to be cancelled at the end of this month unless you send them a cheque. The hotline will be cancelled; the inspectors will be laid off. You have the power to make a difference here, and you shrugged off that question.

Last October I raised this issue in the House and sent the Minister of Health a letter with proposals to address the crisis of unregulated retirement homes. You did nothing to respond to those proposals.

Then you had your parliamentary assistant carry out closed-door consultations. When we were informed last week that there would be no report from that, I asked you



to release her findings and recommendations, and you didn't answer that question.

Today we learn that the Ottawa-Carleton Council on Aging has requested a copy of the report and has been told that in fact there is no written report. The assistant deputy minister, Geoff Quirt, told them you were given a verbal report by your parliamentary assistant.

Minister, I want to know what your parliamentary assistant heard, I want to know what recommendations she made, and I want to know why you're sitting on this information and not making it public.

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** I'd like to thank the member opposite for the question. Let me tell you that my parliamentary assistant did go out across the province and talked to a great number of people, as did I in the office, to ensure that we understood everything—lots of information about rest and retirement homes across the province. I still continue to meet with a number of organizations about rest and retirement homes, including ORCA, the Ontario Residential Care Association. I've met with the city of Toronto. I've also met with AMO on this issue. We continue to meet to ensure that we, along with our municipal partners in this issue, work towards safety for the seniors who live in rest and retirement homes in our province.

1520

**Ms Lankin:** Well, if that's the case, Minister, then you will hear what I'm hearing, which is an overwhelming cry for the province to step in and regulate.

Last fall, there was an investigation in Toronto that revealed the most horrendous abuse and neglect in some of our homes: residents left to sit in their urine and feces for hours; residents sometimes tied into wheelchairs; the same food being served several days in a row; staff not giving residents their medication.

City inspectors put in place a response with a hotline and the inspectors found that conditions in 75% of these premises were substandard. But the municipality does not have the jurisdiction to regulate standards of care, Minister.

The deputy mayor of Toronto has called on you to regulate rest and retirement homes. Other municipalities are adding their voices to that very same request, and now we've learned that the regional council of Ottawa-Carleton is considering a motion tomorrow to demand that your government make the parliamentary assistant's report public.

Minister, word is out that this is all a sham and that you had already decided what you were going to do. Top health officials in this province have informed me that your government is going to proceed with self-regulation of retirement homes through the industry's own lobby group.

Will you assure us that you will not hand over this very important job to an industry that is not capable of protecting the interests of those frail and vulnerable seniors? Will you today deny that that is your plan?

**Hon Mrs Johns:** What I'm very happy to confirm today is that the Harris government is very concerned about the safety of our seniors all across the province.

We've entered into a number of different options and important policy decisions with respect to seniors and their safety. I think about elder abuse; it's the first time we've had a round table on this.

It's a little sacrosanct here today to think about what happened in the time of the NDP and the Liberals with respect to retirement homes. In 1987, the Liberals set up an advisory committee to look at this issue, and they did nothing. Early in the NDP mandate, the government appointed a commission to examine options for the regulation of retirement homes and, surprise, surprise, the report did not support provincial regulations or inspections, and yet here today, when both of those parties had the option to do something, they ask me what we're doing.

We continue to work towards ensuring that seniors in retirement homes are safe. We continue to work for alternatives that allow me, with the municipalities, to ensure that seniors are safe in their homes, and I continue to say that municipalities have a role here to ensure that they enforce bylaws that allow seniors to be safe in their retirement homes.

#### WASTE DISPOSAL

**Mr James J. Bradley (St Catharines):** I have a question for the Minister of the Environment.

Minister, as you would be aware, the city of Toronto is allowed right now to have its improperly treated waste from sewage treatment plants spread on farmland in Ontario. Even though it's against the Ministry of the Environment guidelines, you're allowing that. But today I want to ask you about another potentially life-threatening issue regarding hauled sewage, which is the untreated waste from holding tanks, from portable toilets and from septic tanks. Knowing that it impacts on water, what assurance can you give the people of rural Ontario, in places like Hillsburgh and Mount Albert, that hauled, untreated sewage dumped on farmland does not pose a threat to the drinking water and the safety of drinking water in those areas and to public health?

**Hon Dan Newman (Minister of the Environment):** I can tell the member from St Catharines that we on this side take the protection of the environment very seriously, be it the protection of the water in this province, be it the protection of air or be it the protection of the land in the province. I can tell you that whatever decisions are made here, the protection of the environment is utmost in our minds.

With respect to the application and treatment of bio-solids, we have the strictest standards in Canada, and the application of sewage bio-solids is environmentally safe. It's of value to agricultural production as long as strong environmental standards are maintained.

**Mr Bradley:** You can have the strictest standards in all the world, but if you're not enforcing those standards,

if you don't have the staff and resources to do it, it's useless.

It reminds me of the treated waste, in this case—maybe untreated waste in some cases—the sludge that is produced from an area where there was a most virulent kind of E coli, Walkerton. What are you doing with the sludge, the treated and untreated waste, that has accumulated from Walkerton now, that has that most virulent strain of E coli? What are you doing with that, and what do you intend to do with it?

**Hon Mr Newman:** I can assure the member opposite that each application is reviewed on a case-by-case basis prior to the issuing of a certificate of approval to ensure that it meets the strict requirements for protection of the environment and human health. Certificates of approval contain specific requirements controlling all aspects of material shipment and application to land, including separation distances from groundwater and surface water, quality of bio-solids and application rates.

#### LANDFILL

**Mrs Tina R. Molinari (Thornhill):** My question is also for the Minister of the Environment. I read in the newspaper today that there is a report going around indicating a possibility that the Keele Valley dump could remain open as late as 2006. My constituents of Thornhill and the constituents of the member for Vaughan-King-Aurora have indicated time and again that they do not want this dump to stay open any later than 2002. They have had to deal with having this dump in their backyard far too long. As the Minister of the Environment, what do you have to say about this report?

**Hon Dan Newman (Minister of the Environment):** From my understanding, this report was a staff-to-council report and is nothing more than advice to council. No decision has been made either way on the closure of the dump. The city of Toronto is well aware of the concerns of the residents of Vaughan and the surrounding areas. I will be encouraging the city to respect the wishes of these residents and to close the dump by 2002.

**Mrs Molinari:** Minister, there are some Toronto councillors out there responding to this report suggesting that keeping this dump open is good for the city of Toronto's bottom line. Surely this isn't a matter of dollars and cents. I would hope that these councillors would come to their senses and reassure the people of my riding and the surrounding ridings that keeping the dump open for another three to five years is unthinkable. Minister, what will you do if the city of Toronto refuses to close the dump by 2002?

**Hon Mr Newman:** The member for Thornhill is correct. Keeping the Keele Valley dump open for an additional three to five years is a bad idea. There are numerous reasons why environmentally it is the wrong thing to do. Fortunately the province does have legislative options to ensure that the Keele Valley dump is not extended beyond 2002. Let me reassure the member and

her constituents that the province's support is behind them on this issue.

#### MINISTRY OF THE ENVIRONMENT

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** My question is for the Minister of the Environment. I have with me today a copy of a letter written to you by the mayor of Cumberland on March 13. In this letter to you he explained that he is very concerned about the complaints received from his residents that there is discharge of septic effluence in ditches and water ponds. He also was very concerned about the quality of drinking water in his community, so he called the MOE rep to check out the problem. After discussing the situation with the MOE rep, it was determined that many wells in this community were contaminated with coliform.

He then wrote to your office and asked for help under the provincial water protection fund. Like the township of Russell and the village of Casselman, who also had requested funding under this program, they were turned down by you. I must sadly tell you that in the village of Cumberland today there are 20 families having to boil their water, and they have been doing so for over a month.

Can you tell me, Minister, when can the mayor of Cumberland expect the necessary help and funding from your ministry to do the EA study and help to correct the water situation in the village of Cumberland? Or do the people of Cumberland not matter to you, like the people of Walkerton didn't matter to you? Does the mayor have to beg or can I tell him that help is on the way?

**Hon Dan Newman (Minister of the Environment):** In fact, we care about all the people in Ontario. That's what this government does. We care about the environment of this province and the people of this province.

I want to say to the member opposite that there are inspections being conducted of each water facility in our province. This year 630 facilities will be inspected by the end of the year. We're also ensuring that each and every certificate of approval for those facilities is reviewed and that there is only one certificate of approval in place for each facility. Beyond that, certificates of approval will be reviewed every three years thereafter, and that will include all the communities in the member's riding.

1530

**Mr Lalonde:** Minister, this is exactly the type of answer I expect to hear from you. In your letter of May 11 to the mayor of Cumberland, you said you had no time to meet with him to discuss the village of Cumberland's water problems, and you told him to seek alternate sources of funding. The staff in your office have learned your message well. You are passing the buck. They have told me that the mayor should contact the Minister of Agriculture, Food and Rural Affairs, as he possibly could help them because he has \$120 million under the Ontario small town and rural fund or, if that doesn't work, they suggested the mayor of Cumberland should contact the Minister of Finance, as funding for



infrastructure is possibly available under the SuperBuild fund.

Minister, I suggest that you stop passing the buck. You know the expression "The buck stops here." Well, the buck stops with you, so before we have another Walkerton, I ask you once again, when can the people of Cumberland expect help from you, or are you going to pass the buck to someone else? Tell me, Minister, what do I tell the people of Cumberland? When will they get funding to correct the crisis?

**Hon Mr Newman:** I suggest to the member opposite that he tell the people of Cumberland that each and every water facility in our province will be inspected this year, each of the 630 facilities in this province. We're also going to ensure that any facility that is not in compliance is brought into compliance by a field order. The certificates of approval for all facilities are going to be reviewed, and three years after that they'll be reviewed again.

The provincial water protection fund was a \$200-million fund over three years. We ensured that that money was accelerated to municipalities over a two-year period so that they could deal with water and sewage projects in their communities. Projects were evaluated on environmental and health needs.

#### CORRECTIONAL SERVICES

**Mr John O'Toole (Durham):** My question is to the Minister of Correctional Services. Constituents of mine in Durham have been bringing to my attention the fact that there has been improper release of inmates from some provincial institutions. As members of the House will know, an inmate who has not properly been released has not fully paid their debt to society.

I believe public safety should be a focus of our government's policy, as you know it is. The Blueprint document outlined measures to show how seriously we take the matter of street and community safety. Minister, how concerned are you on the occasion when inmates are released early from prison?

**Hon Rob Sampson (Minister of Correctional Services):** I'd like to thank the member for Durham for the question. He rarely gets an opportunity to raise questions in the House, and I know that when he does it's a very important question to him and a very important question to the people he very dutifully represents.

I, of course, take this matter quite seriously, as frankly do all people in our ministry. Any number of improper releases, no matter how they occur or where they occur, is totally unacceptable, which is why in 1997 this government made the effort to start to track and measure these statistics and why we are now embarking as a ministry on a series of performance standards that will apply across all institutions in this province, no matter who will be running them, so that we can map very quickly and very carefully, and monitor very carefully, the performance of these institutions that relate to the very important issue of public safety.

**Mr O'Toole:** Thank you very much for both the compliment, Minister, as well as the opportunity to ask a supplementary question. On a more serious nature, with your opinion of improper releases, it's clear to me that you are on the side of community safety. The people of Ontario would like assurance that improper releases will not continue to be a problem in the future.

Minister, what concrete measures has your ministry taken to ensure me and my constituents and the people of Ontario that improper releases will not happen in the future?

**Hon Mr Sampson:** We're taking a number of steps, a number of initiatives. One which I spoke to in the first part of the question was of course the establishment of standards which were desperately lacking in the system and which will help us track performance and accountability in the system. The other, frankly, is a far more automated, integrated justice system that will allow us to make sure that ministry staff at the front line are spending less time filling out paperwork and more time doing their job and supervising the individuals under their care and custody. We're going to simply use technology to help us do a better job, something the previous governments were not prepared to do but that we're prepared to invest in.

#### PETITIONS

##### MUNICIPAL RESTRUCTURING

**Mr Michael Gravelle (Thunder Bay-Superior North):** The forced amalgamation of Greenstone—the communities of Beardmore, Longlac, Geraldton and Nakina, as well as Caramat, Jellicoe and other communities—is very upsetting to a lot of people. Petitions keep coming in. I have 400 signatures here from the town of Longlac. The petition reads:

"To the Legislative Assembly of Ontario:

"Whereas the corporation of the town of Longlac is an incorporated municipality; and

"Whereas commissioner Bob Gray felt that the amalgamation of the towns of Longlac, Geraldton and the townships of Beardmore and Nakina would be better served as one municipality; and

"Whereas the residents of the town of Longlac would like to be known as the municipality of Greenstone;

"Therefore we, the undersigned, petition the Legislative Assembly to ensure that the corporation of the town of Longlac becomes the ward of Greenstone in the province of Ontario."

The petition is signed by 400 people.

##### SAFE DRINKING WATER LEGISLATION

**Ms Marilyn Churley (Broadview-Greenwood):** The petitions are already pouring in in support of my private member's bill, the Safe Drinking Water Act. It reads:

"To the Legislative Assembly of Ontario:

"Whereas the people of Ontario have the right to receive clean and safe drinking water; and

"Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of human health; and

"Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

"Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

"Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

"Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) immediately restore adequate funding and staffing to the Ministry of the Environment;

"(2) immediately pass into law Bill 96, the Safe Drinking Water Act, 2000."

I completely agree with this petition and will affix my signature.

#### DURHAM COLLEGE

**Mr John O'Toole (Durham):** I'm again presenting a whole bunch of petitions here from my riding of Durham. This one is from the Lions Club of Newcastle, along with Albert Maxwell and Jeannie Carter and a number of other constituents. In fact, all of Durham probably supports this.

"To the Legislative Assembly of Ontario:

"Whereas we request the Legislative Assembly to support Durham College in their bid for university status;

"We, the undersigned, petition the Legislative Assembly as follows:

"We feel for the economic well-being of Durham a university is necessary. We strongly support the bid by Durham College to achieve this status in the immediate future."

I bring this to the attention of the House and to Minister Cunningham, who is here today.

1540

#### SAFE STREETS LEGISLATION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I have a petition to the Legislative Assembly of Ontario.

"Whereas Bill 8, the squeegee bill, was never intended to prevent Ontario charities from holding roadside toll events as fundraisers; and

"Whereas local police departments and municipalities do not have the right to supersede legislation and give permission for these events to take place; and

"Whereas many Ontario service clubs and charities have traditionally used roadside toll events to assist them in meeting their charitable commitments; and

"Whereas Bill 8, the squeegee bill, now prevents these worthy causes from benefiting from these fundraising activities; and

"Whereas Bill 64, An Act to amend the Safe Streets Act and the Highway Traffic Act, will rectify this situation;

"We, the undersigned, petition the Legislative Assembly of Ontario to support Bill 64."

I very happily have signed my signature to this petition and will give it to Maria Dombrowsky, the page.

#### KARLA HOMOLKA

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to passes to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I'm pleased to affix my signature to this petition.

#### HIGHWAY 138

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I have a petition from many residents of Ontario.

"To the Legislative Assembly of Ontario.

"Whereas Highway 138 is the responsibility of the province. The highway is currently in disrepair, with numerous ruts and potholes. Motorists who drive all types of vehicles have noticed the poor state of the highway. These deplorable conditions have made driving a hazard and must be repaired to avoid tragic accidents.



"We, the undersigned, petition the Legislative Assembly as follows:

"That the government of Ontario provide more provincial funding for the repair and maintenance of Highway 138."

I've also signed the petition.

#### FARMFARE PROGRAM

**Mr David Christopherson (Hamilton West):** I have petitions that read as follows:

"To the Legislative Assembly of Ontario:

"Whereas the government of Ontario introduced farmfare on September 21, 1999, to supplement their workfare program, forcing social assistance recipients to work on farms for their benefits;

"Whereas the Harris government of Ontario has not provided for any consultation or hearings regarding this initiative;

"Whereas the Harris government has excluded agricultural workers from protections under the provincial labour code by passing Bill 7;

"Whereas this exclusion is currently being appealed under the Canadian Charter of Rights for infringing on the right of association and equal benefit of law;

"We, the undersigned, petition the Legislative Assembly of Ontario to retract the farmfare program until hearings have been held and to reinstate the right of agricultural workers to allow them basic human rights protection under the labour code of Ontario."

I proudly add my name to those of these petitioners as I am in support of this petition.

#### LORD'S PRAYER

**Ms Marilyn Mushinski (Scarborough Centre):** My petition reads as follows:

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life; and

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I'm pleased to affix my signature to this petition.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr David Ramsay (Timiskaming-Cochrane):** "To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislative Assembly to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

#### LORD'S PRAYER

**Mr Garfield Dunlop (Simcoe North):** "Whereas the prayer, Our Father, also called the Lord's Prayer, has always been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada under Lieutenant Governor John Graves Simcoe in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life;

"Whereas the Lord's Prayer is the most meaningful expression of the religious convictions of many Ontario citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I'll sign my name to that as well.

## WATER EXTRACTION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I have a petition to the Legislative Assembly of Ontario:

"Whereas we strenuously object to permits to take water being issued by the Ministry of the Environment without adequate assessment of the consequences and without adequate consultation with the public and those people and groups who have expertise and interest;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We request a moratorium on the issuing of permits to take water for non-farm, commercial and industrial use and the rescinding of all existing commercial water taking permits that are for bulk or bottled water export, outside of Ontario, until a comprehensive evaluation of our water needs is completed. An independent non-partisan body should undertake this evaluation."

This petition is signed by hundreds of people from my riding, and I very happily sign my name to this petition. I will be handing it to the legislative page Stephanie.

**The Acting Speaker (Mr Tony Martin):** Further petitions, member for Thunder Bay-Superior North—sorry, the member for Hamilton West.

**Mr David Christopherson (Hamilton West):** I'm going to get one of those rotating lights and a siren over here.

**Mr Bart Maves (Niagara Falls):** We thought you were gone already.

**Mr Christopherson:** Yes, I didn't leave, you know; I decided to stay.

## SAFE DRINKING WATER LEGISLATION

**Mr David Christopherson (Hamilton West):** "To the Legislative Assembly of Ontario:

"Whereas the people of Ontario have the right to receive clean and safe drinking water; and

"Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of public health; and

"Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

"Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

"Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

"Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) Immediately restore adequate funding and staffing to the Ministry of the Environment; and

"(2) Immediately pass into law Bill 96, the Safe Drinking Water Act, 2000."

I add my name to those of these petitioners.

1550

## MUNICIPAL RESTRUCTURING

**Mr Michael Gravelle (Thunder Bay-Superior North):** I have many more petitions in very strong opposition to the amalgamation of Greenstone. The petition reads:

"To the Legislative Assembly of Ontario:

"Whereas the corporation of the township of Nakina is an incorporated municipality; and

"Whereas the corporation of the township of Nakina has continued to operate as a community in its own right since 1923; and

"Whereas amalgamation with other distant communities could prove to be detrimental to the individualistic lifestyle associated with living in the township of Nakina; and

"Whereas the economic justification for the creation of Greenstone no longer exists, and its creation may result in a loss of local services and an increased tax burden on the residents of Nakina; and

"Whereas the residents of the township of Nakina would like to continue to be the municipality known as the corporation of the township of Nakina;

"Therefore we, the undersigned, petition the Legislative Assembly to ensure that the corporation of the township of Nakina continues to be a separate municipality in the province of Ontario."

This is signed by almost every resident in Nakina. I'm pleased to add my name to the petition.

## SCHOOL CLOSURES

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I have another petition to the Legislative Assembly of Ontario.

"Whereas the Kinsmen/JS MacDonald school is slated for closure,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To direct the Upper Canada District School Board to remove the notice of closure for the Kinsmen/JS MacDonald special school facility.

"Since 1963 the special education facility has adequately served the needs of those students requiring special education programs and services throughout Stormont-Dundas-Charlottenburgh.

"Presently, the Kinsmen school meets the needs of 45 children ranging from minor learning disabilities, behavioural to more complex multi-challenges."

I have also signed the petition.



**ORDERS OF THE DAY****BRIAN'S LAW (MENTAL HEALTH  
LEGISLATIVE REFORM), 2000****LOI BRIAN DE 2000  
SUR LA RÉFORME LÉGISLATIVE  
CONCERNANT LA SANTÉ MENTALE**

Mr Clark, on behalf of Mrs Witmer, moved third reading of the following bill:

Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act, 1996 / Projet de loi 68, Loi à la mémoire de Brian Smith modifiant la Loi sur la santé mentale et la Loi de 1996 sur le consentement aux soins de santé.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** On a point of order, Mr Speaker: We have been attempting to reason out the clock tonight, and because we've gone into debate late it has been more difficult than we had thought.

The government would like to ask for unanimous consent to have 20 minutes for the government to speak, 10 minutes by the leadoff speaker and 10 minutes by the Minister of Health to sum up, and the rest of the time split between the other two parties, which would give 55 minutes each to the other two parties. I would ask for consent to have no questions or comments after speakers and I would ask further consent to extend the clock beyond 6 o'clock to give both of the opposition parties the opportunity to speak for 55 minutes each.

**The Acting Speaker (Mr Tony Martin):** Do we have unanimous consent?

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: My understanding was that the government had agreed to allow the third party to have an hour's time, and I can certainly appreciate their desire to have that. My understanding is that the government, since that arrangement was made, has reneged on their undertaking to the third party. The other point to bear in mind is that the government made the rule changes that have allowed this situation to crop up.

That being said, it is our desire to get this bill finished tonight, and I'm prepared to accept that provided we retain our full hour. We're prepared to go the extra time. We have enough members in our caucus who need and want the opportunity to speak. You're asking for another 20 minutes after 6 o'clock. I think that's a fair compromise on everybody's part.

**Hon Mr Sterling:** I think the delay, in fairness, was caused by the demonstration and clearing of the gallery. That probably delayed us by 15 or 20 minutes today.

Therefore, I seek unanimous consent for the government to take 20 minutes: 10 minutes leadoff by Mr Clark and 10 minutes summation by the Minister of Health. I seek consent that each other party have 60 minutes to debate the issue and I seek consent to extend the clock beyond 6 of the clock to complete the debate as outlined.

**Ms Frances Lankin (Beaches-East York):** Are you going to defer the vote?

**Hon Mr Sterling:** If you want to defer the vote, that's fine by us as well. The consent also included no questions or answers with regard to the debate after each person. So we will be deferring the vote as well.

**Mr David Christopherson (Hamilton West):** Just on this, Mr Speaker, since we've got into a little bit of dialogue on it, I want the record to reflect the fact that we do not have time allocation on this. It was sent out after first reading. I think it's only the second bill we've done that with. My critic the deputy leader of the NDP has spent an incredible amount of time, and I think members, when they're speaking today, will probably—I wouldn't be surprised—reflect on that from the other benches.

We have worked as co-operatively as we possibly can because of the importance of this issue and the sense we had from the government that they were not seeking to ram something through, but were looking for a thoughtful review on a most important issue.

Having said that, one of the few things we said we definitely had to have at the end of the day was our opportunity, especially in the third party where sometimes, depending on the rotation and how things turn out, we can end up with little or no time whatsoever. There was a request that at the very least we would receive our hour on third reading so that our critic would have an opportunity to put our position forward.

There's been a little bit of discussion here. We're prepared to accept further amending of the understanding, providing we have that hour and providing the vote will not take place, because we have members who are on standby to vote at 5:55 and they need to be released from that. With that understanding and with a short review of how we got to this point, even though the majority of our caucus will be opposing the bill at the end of the day, I think there has been a great deal of co-operation between the three parties in looking at the issues. As long as we end things right here, because we're not giving up another inch, we've got an agreement.

**The Acting Speaker:** Taking it for granted that after that the House will adjourn until 6:45. Is that correct? Unanimous agreement? OK.

The member for Stoney Creek.

**Mr Brad Clark (Stoney Creek):** As we've indicated in the agreement, the minister will be sharing my time. She'll have 10 minutes to summarize at the very end.

This has been an interesting process for all of us, especially for me as the parliamentary assistant. We began this process with a document called The Next Steps, which was a proposed discussion paper in terms of how we were going to amend the Mental Health Act and the Health Care Consent Act.

We took that document on the road for consultations across Ontario. We heard from 300 participants. We received over 100 written briefs. We then came back and drafted the legislation and the legislation was brought into the Legislative Assembly for first reading, and then it was brought out under a very unusual circumstance to

committee right after first reading, where we began, I believe, a very earnest attempt to examine the bill in an attempt to really improve the bill.

I encouraged the opposition parties, and I have to tell you that the opposition parties acted with wonderful professionalism and a great deal of decorum and understood, I think, that the intention was to really try hard on my part and the government's part to improve the bill itself.

So we began the discussion period, the consultations, the hearings. At the end of the day, after all those hearings, we ended up coming up with a number of amendments. I think, in fairness to everyone, a number of the amendments were prompted by concerns and discussions that came from the opposition members themselves.

**1600**

I'm not going to go to through all the amendments, because at the end of the day there were a total of 76 motions; 27 of them were carried and 13 were withdrawn. So you can see a great deal of work and effort went into this process over a nine-day period of time and during clause-by-clause at second reading.

I think I'd like to try and put this bill in perspective, if I may. For me it hasn't been about the law per se but about whom we're trying to help. It has been about the people who are suffering from serious mental illness. It has been about the people who commit suicide, who are victimized as a result of their mental illness, who become violent as a result of their mental illness, who suffer greatly as a result of their mental illness. That's whom this bill is about. That's whom we're trying to help.

I'd like to read into the record, from the actual hearings themselves, a mother:

"I'm speaking as a mother, primary caregiver and substitute decision-maker for my son who has schizophrenia. I'm a single parent and he's my only child. My son lives with me at home but has been in the hospital since March 15. He's going to be discharged" this coming Friday.

"My son is not homeless or on the street. He does not lack social services. My son is ill and he needs treatment. My son had his first psychotic episode in September 1996, three and a half years ago. At that time, he was 23 years old and began his fourth year at York University. He was looking forward to graduating with a bachelor of science degree in environmental studies. He was an A student. ... That summer he had a summer job in a field that promised to lead to professional employment after graduation....

"But in September of 1996 everything changed. My son began experiencing paranoid delusions. He began being tormented by messages on the radio and television. He began thinking there was a widespread conspiracy against him, that the people in control of the conspiracy were a family in our neighbourhood."

"The last four hospitalizations have been traumatic for both of us, requiring that I go to the justice of the peace for form 2 and call the police to take him to the hospital. Today, at 26, my son is unemployed. He hasn't com-

pleted his university degree. His friends no longer call, and many of our family members avoid contact."

That's the reality of serious mental illness. Those are the people we're trying to help. This bill does that.

I'd like to read into the record again from the hearings.

"Our youngest son became seriously ill with schizophrenia in 1985. Over the next 12 years he was admitted to hospital a dozen times and spend a third of his time as a psychiatric patient, either in Ottawa hospitals or at Brockville. We faced countless obstacles, many of them stemming from the Ontario mental health law, in securing appropriate care for our son. We are fortunate that today he has his own apartment, has daily assistance with medication, and this support is succeeding in keeping him of hospital. Nonetheless, we cannot help feeling the 12 years our son spent going in and out of the hospital, the revolving door, could have been drastically reduced or even eliminated if legislation like Bill 68 had been in force.

"Our story is typical of many families where someone in the family begins to show the symptoms of schizophrenia. At first we thought our son was just suffering from adolescent growing pains. A psychiatrist who saw him regularly for a year failed to identify his illness. It took three years.

"Then what? Under our Mental Health Act, our son was considered well enough to leave hospital, though his illness was not yet under control." He continually had problems to the point where he was living in a rooming house in Toronto, and ended up trying to get to Pennsylvania, where an alert border guard at the United States border stopped him. "I should say that because of our son's condition, we could not, while we were both working, leave him in the house on his own.... The security risks were too great."

The individual I'm talking about who spoke was Michael Cassidy, the former leader of the New Democratic Party.

He went on in these hearings to state that back in 1976, when he was originally debating the Mental Health Act, he didn't understand what they were truly doing at that time. He didn't realize the impacts it was going to have later in his own life.

I think most of us do our very best to hear from people, we do our very best to hear from the experts, but we do our very best to hear from the families that are suffering, the families that have children who are hurting and the families that need help. That's our job as legislators, to try to develop that balance.

I think in Bill 68 we have developed that balance. It has not been an easy task, as most of us on the committee know, because there are disparate views across Ontario. I can state with complete certainty that across Ontario today there is not unanimous opinion regarding community treatment orders from everyone who lives in the province, that there are disparate viewpoints, that it is highly contentious. But our job is to recognize—working with the experts, working with the families to develop a balance—a balance of individual rights, a balance from



the Constitution to make sure that societal rights and individual rights are balanced.

We have that responsibility. The Supreme Court of Canada has stated we have that responsibility. No Parliament would be denied the right to develop a balance between societal rights, protection and safety and laws against individual rights to freedom. As a result of that, we have come together with a bill that would allow people who are seriously mentally ill, who are a danger to themselves or a danger to others, to get the help they truly need.

From the hearings we heard the following statement:

"When you review Bill 68 and make your recommendations to the Legislature, we ask you to think of young people just beginning to suffer from serious mental illness, like our son was 15 years ago. Must these young people stay in the revolving-door syndrome for 12 years because Ontario puts so much emphasis on their civil rights that it effectively denies them needed treatment? Or will you proceed with Bill 68 and offer the hope that in future, people in our son's situation will have the chance of early, effective and continuing treatment, and not suffer the waste of years and of talent that we have seen with our son?"

Again, that is the former leader of the New Democratic Party, Michael Cassidy, and I think he sums up very clearly where we are today. We have done our job as a committee, and I give great credit to Richard Patten, Lyn McLeod, Frances Lankin and Marie Bountrogianni, who helped me, sitting on the committee and working this through. It was an unusual experience. I think we all agree that it was a very unusual experience, trying to put our partisan hats aside and recognizing that this legislation has to go ahead and that we have to improve it to the best of our abilities. I willingly worked with the opposition to try and improve it, to try and bring in the amendments that would make the bill better. We didn't always agree, but we did so respectfully and we brought the bill back to the House.

At this moment I really would like to encourage—and I heard there are some members in the House who still have concerns. We all have concerns. We are looking at the bill and we're saying it's time to try and bring in a balanced legislation, but at the end of the day I hope we can all sit down and vote in favour of this bill, unanimously in this House, so that we send a very clear message that the Ontario Legislative Assembly wants to improve the mental health system in Ontario once and for all.

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I'll be sharing my time with the members for Hamilton Mountain, Ottawa-Vanier, Kingston and the Islands and Ottawa Centre.

I had an opportunity in second reading debate on this bill to present my views, both my support for the intent of the bill and also my very real concerns about whether the bill, as it's set out, can and will be implemented in accordance with that intent. So I'm not, in the somewhat

limited time I have available today, going to reiterate my broader views of the bill.

I want to focus a little bit on the process we've been through as a committee since second reading. The member for Stoney Creek has said we've been through an unusual process, where we held the consultation hearings prior to second reading and then went into clause-by-clause consideration of the bill with the benefit of having heard those consultations and with a very real willingness, as the member for Stoney Creek has said, to really look at ways in which the bill could be improved.

I feel good about the fact that the government agreed to some amendments that we felt were important, which in fact incorporated elements of our amendments into amendments that they put forward. For example, one of the very important amendments was the addition of a purpose clause which sets out very clearly the intent of the community treatment order and who would be subject to a community treatment order. I think it's important to read this amendment, which says: "The purpose of a community treatment order is to provide a person who suffers from a serious mental disorder with a comprehensive plan of community-based treatment or care and supervision that is less restrictive than being detained in a psychiatric facility. Without limiting the generality of the foregoing, a purpose is to provide such a plan for a person who, as a result of his or her serious mental disorder, experiences this pattern: the person is admitted to a psychiatric facility where his or her condition is usually stabilized; after being released from the facility, the person often stops the treatment or care and supervision; the person's condition changes and, as a result, the person must be readmitted to a psychiatric facility."

#### 1610

The importance of including this clause in the bill is that it makes very specific that the people who are most likely to be helped by community treatment orders—in fact probably the only people who can be helped by community treatment orders—are those who are caught in what has been referred to as the revolving door syndrome, and who simply cannot sustain a treatment plan on their own.

I think it's important that the privacy provisions have been tightened in the bill, as have the requirements to inform patients of their rights to consult a rights adviser and to a hearing before the Consent and Capacity Board. I appreciate the fact that the community treatment order portion of the bill is not going to be proclaimed until December 1, 2000. Our assumption, and we take it on good faith, is that this delay in the proclamation of the community treatment order portion of the bill is in order to take what will have to be very rapid action to put community supports in place. Because of course the gist of this bill is that without the community supports it cannot be beneficial and in fact, we would argue, legally cannot be implemented.

Lastly, there were other amendments, but the other amendment that we agreed to that I wanted to stress is that we have been able to build in a review of the com-

munity treatment orders within the third year after the community treatment orders are implemented, and then with subsequent reviews every five years, and with those reviews to be made public. To me, this is absolutely crucial because I share the concerns, probably of most members of this House, that although the intent of the bill is to take a significant step forward in having people with serious mental illness access treatment sooner, it will not be possible to fulfill that intent without the community supports being in place. This provision for a review will ensure that in a public way there will be an opportunity to hold the government to account and, indeed, future governments to account, to ensure that the intent of this bill is being fully satisfied through the provision of adequate treatment, support and resources.

I do want to note that there were some amendments which our party put forward that were not accepted by the government. It's important for me to put these on the record. We had attempted in two amendments to set out principals that we think underlie the bill that we wanted to see recognized in law, and secondly to include a bill of rights. Either one I think would have achieved the same objective. The government has put forward the argument that they are bringing forward a comprehensive patients' bill of rights. We will look forward to that bill coming forward, but I quite frankly don't believe that was a reason to preclude putting a bill of rights for those with mental illness into the Mental Health Act, just as there is a bill of rights in the Long-Term Care Act.

We argued very strongly that the term "community treatment order" should be changed to "community treatment agreement" because that would be a way of assuring those who feel this is a way of forcing treatment and of using force that the approach is to be one of consent, whether with a consenting individual with mental illness or a substitute decision-maker, but that without the consent of caring and responsible adults who are acting in that substitute decision-maker role, the community treatment order could not, in fact, be applied.

I had asked for the added recognition through amendment in law that the community treatment order could not authorize or require the use of physical force. I mention that because, again, it was for reassurance to those who have powerful images of people being held up against the wall and administered medication. Those images are so real for many of the psychiatric survivors' groups that I felt it was important to have some further reassurance that this bill is not about the use of force. I do not believe that the bill is about the use of force. I do not believe that compliance with community treatment "orders," since we weren't successful in having "agreement" amended in the bill, is intended to be through the use of physical force. I respect that in the bill, but I was looking for some further assurance.

Lastly, on this issue of amendments—and there were, as the member for Stoney Creek said, a great many amendments—another one I wish we had been able to achieve was to have the establishment of a mental health advocacy office so there would be an independent body

in a position to advise the minister on an ongoing basis about the needs that exist in providing treatment and support to those with mental illness in our communities.

Having addressed the amendments, I again want to recognize—and it's not often in this House that I will say this—that the government's intent in putting forward this bill is one of a sincere desire to provide treatment earlier to those with serious mental illness. I certainly respect the work that was done by the parliamentary assistant, the member for Stoney Creek, in working with the opposition parties and wanting to address our concerns, which we believe we were expressing on behalf of those who have very real concerns about the bill, and who has spoken to us both privately and in the committee setting.

The sincere concern is to provide care to those who can't access treatment because of their illness and to restore them to life, as representatives of the Schizophrenia Society so often said to us. If there's one reason why I stand today in support of the bill despite many concerns I have about its implementation, it's because I can't not hear the pleas of family members who have seen their loved ones deteriorate to the point where they become either dangerous to themselves or to others or who in fact simply have no life at all. If we can provide treatment to step in at a time when those individuals can indeed be restored to health and to life, I think we have to take the chance of moving forward.

But I want to recognize that there is potential here for misuse, not abuse. I'm satisfied from the committee hearings and from the amendment process that the criteria for this expanded involuntary treatment are sufficiently stringent that it will not lead to abuse of those with mental illness. If I felt any concern about the potential for abuse being greater than the potential for health, I could not support this bill today. But I still think there is potential for misuse. It would be misuse in failing to meet the intent to provide that access to treatment earlier in the course of illness and ensure a comprehensive treatment plan is provided and that those who get caught in the revolving door can stay on their treatment plan. That's the intent. The onus will be on every member of this Legislature who supports this bill today to keep the government and future governments accountable, to make this bill work to the very real benefit of those with serious mental illness.

That means there must be enough beds for those who need hospitalization. The CTOs, the community treatment orders, must not become a dumping ground for those who simply from time to time cannot function in the community and need access to a hospital bed. We do not have that access today, and that must be part of providing comprehensive support and treatment. The community treatment order plans must be comprehensive. They cannot and must not be simply about enforcing medication, or everything that those of us who have anguished over this bill have put into it will be forfeit to a loss of the real intent of the bill. If there's going to be a comprehensive plan, it means there has to be an adequate number of psychiatrists. That means this government



must deal with the fact that we have a physician shortage in this province, and the psychiatric shortage is one of the most critical indicators of that shortage.

There was a very tragic incident in Ottawa just recently with a suicidal teen. The suicidal teen, it says, was not able to access treatment on time because of a shortage of psychiatrists. That suicidal teen would not be helped by this bill, which is one of the reasons we have to look beyond just the comprehensive supports for community treatment orders, to look at whether or not there is comprehensive support for the other 95% of people who are not being addressed by this bill.

The shortage of psychiatrists is going to be a problem for the implementation of community treatment orders. It will be even more critical for providing timely treatment for those who are not the focus of Bill 68. If there is going to be comprehensive care both for those on community treatment orders and for the other 95% of people with serious mental illness, we have to have trained health care providers and community support workers able to provide support in the community. They have to be not only trained, but trained in a way that they're sensitive to the needs of this vulnerable group of people. I will look to the regulations to ensure that this kind of training is put in place for all those who will be part of providing care and support under a community treatment order.

There further must be housing. We heard this over and over again, that there has to be housing that is affordable for those who are living in the community, and there has to be supported housing for those who need support in that housing setting.

1620

I want to repeat that it would be a tragedy if, while we could help 5% of those who are the focus of this bill, the other 95% somehow got bumped, faced longer waiting lists for treatment because the priority was to meet the legal requirements of the community treatment orders. I want to reiterate my concern that our focus has to be not only on the comprehensiveness of supports for the community treatment orders, which are the focus of our review, but also on being very diligent in understanding that community supports have to be in place for all those with mental illness.

I'm concerned that the most likely outcome of the passage of this bill is that it won't make any difference at all, that it wouldn't make any difference at all because there aren't beds for those who need to be admitted, that it might not make any difference at all because there are no community supports to put community treatment orders in place in the comprehensive way that the bill demands.

But I also believe this bill could bring about significant benefits to those with mental illness. It could bring about the most benefits to all of those with mental illness if we do take our responsibilities in passing this bill seriously. If we do, then the needs of the mentally ill will not ever again be put on to a backburner, which is where I feel the needs of those with mental illness have been

through successive governments over far too many years, with far too many studies and far too little action. We will not allow government to say, "In passing Bill 68, we have now dealt with mental illness." It is just a first step. I think everyone who presented to our committee and people who are here from the Schizophrenia Society today would agree in ringing tones that this is only a first step and that the supports have to be there for it to work.

I do want to conclude in my last moment by going back to the testimony that was given to the committee by Alana Kainz, who is the widow of Brian Smith. She said:

"This could easily be called Jeffery Arenburg's law. Jeffrey was a victim of a mental health law that failed him, too, when he shot Brian. There has been a small amount of opposition to naming this legislation after Brian. A handful are afraid that it sends a message that all people who are mentally ill are murderers. First of all, Brian was not murdered. I have come to terms with that. There were two victims here. Naming the law after one of the many victims puts a human face on the legislation and reminds us of its purpose. This is not about reacting to a serious event. It's about preventing one. This is not about the many people with borderline, very manageable illnesses. This is about the most seriously ill and the severe consequences of them being left untreated for a period of time."

Her testimony was important and should be influential in our thinking about the bill, as was the testimony from David Goldbloom and Robert Zipursky, physicians-in-chief dealing with the seriously mentally ill, who said to us—and I'll just paraphrase—that this bill will not eliminate violence. It won't eliminate homelessness. It won't eliminate non-compliance among the mentally ill. But it does have the potential to help a small number of severely ill patients to live in the community with a level of help that would not otherwise be possible for them.

On the note of that intent, I will be lending my support to this bill.

**The Acting Speaker:** Further debate? The member for Hamilton Mountain.

**Mrs Marie Bountrogianni (Hamilton Mountain):** Thank you, Mr Speaker, and thank you to my colleague from Thunder Bay-Atikokan for allowing me to share her time.

I've been biased towards this bill from the beginning. I admit that and I confess that, which is why the process was so important to me and is why having a keen mind like Lyn McLeod substitute for me and be objective throughout this process was very important. We all owe her thanks for that.

I have to thank my colleague from Stoney Creek, Brad Clark. Although I wasn't integral to this particular process, we have worked together before. I find him to be objective and with the right goals and intents in mind and, at least for these issues, agree with him and respect him. It was great working with you, Brad.

I get very upset when I hear people speaking against Bill 68, because of my bias, because of my professional background in dealing with kids or trying to help kids

who didn't want to be helped, trying to help families who didn't want to be helped, and with people saying that their human rights are being taken away from them when you try to get them to get treatment. I wonder where those people are when parents like Mrs Voukelatos, who has been here from the beginning, are chasing their kids through the alleyways, out of the garbage cans, out of the jails. Where are those people? Where are the supports? Where are the laws to protect those families and those patients when something like this isn't in place? I get very emotional and very subjective, so I put that on the table up front.

There are, though, some inconsistencies with the positive intent of Bill 68 and this government's record with health care. It has improved somewhat in the last few weeks, at least in my community, but I have to set that bias aside for now and remind this House about how much was cut back from health care in the first mandate by the fact that their social housing stopped completely with this government's first mandate and did affect these very people we're trying to help now. In fact, the people who come to my office whom I can never help, ever, are the people looking for social housing, and many of those people are psychiatric patients. I know I can't use the word "hypocrisy," but that inconsistency is still there.

**Hon Cameron Jackson (Minister of Tourism):** It is for Beth Phinney too, because they cancelled the program.

**Mrs Bountrogianni:** I'm not going to make any apologies, member opposite, for the federal government. I'm just stating the facts for this government. This is the Legislative Assembly that I belong to, that I'm accountable for.

With the amendments to Bill 68, it makes it, I hope, a much more agreeable bill to those mental health advocates who were against it to begin with. For example, as my colleague mentioned, the purpose clause has been added, which sets out clearly the intent of the community treatment order and who is subject to a community treatment order. This was very important, because there was fear out there that people would be swept off the streets willy-nilly into hospitals and jails. There was a real fear, and we saw the fear in those people's eyes. This provision will help to avoid that.

The privacy provision is very important. In other words, patients will have to be advised of their rights. When our psychiatric outpatient clinic in the Henderson hospital on Hamilton Mountain closed earlier this year, I went to that meeting. It was a closed meeting, but I was invited by the patients, and I went to that meeting. I think even the hospital administrators were quite surprised at the intelligence of the patients. Mental illness does not mean unintelligent people; it means mental illness. So to be advised of their rights is very important, and that has been added on.

The evaluation part, that at the third year after implementation there will be an evaluation, is crucial. If something is wrong, then we can either try our best at that

point, with a new election, to have it a campaign issue and repeal the law or change the law.

Also, it's heartening to know that the community treatment order portion of the bill will not be proclaimed until December 1. It's still a huge task, though, until December 1 to get all those supports in place that we need. All power to the government if they do it. I'm a little wary of that, but we do need those supports, as my colleague has stated. Otherwise, it's very much like diagnosing someone with cancer and not having radiation therapy for them. It's very unethical. So we can't just tell people what their problem is and not have a resource there to deal with it.

I would have liked a bill of rights to be included in the Mental Health Act, and I sure will reserve judgment until the patients' bill of rights has been developed. However, mental health is much more complex. The diagnoses are much more complex, the treatments are much more complex and individualistic and the legal implications for those particular diseases are much more complex. I don't think one should have precluded the other. However, we will reserve judgment until the comprehensive patients' bill of rights is developed.

The change in the criteria that we wanted was for a community treatment order to ensure that only involuntary hospitalization is considered in determining if a patient can be placed on a CTO. Right now, there must be two previous admissions to a hospital for a mental illness and then you qualify for a CTO.

Let me tell this House, if they don't know, that out of every 100 people, 15 people have psychiatric problems—maybe in this place more, given that it's not a random sample. But for every 100 people, 15 people have psychiatric difficulties and may have visited a psychiatric clinic or a psychiatrist. So that should have been more stringent, and I hope—

**Mr Christopherson:** We don't have 15 sane people.

**Mrs Bountrogianni:** "We don't have 15 sane people," the member for Hamilton West says. Quite seriously, this involuntary hospitalization would have been a better criterion, because more people than you know—executives out there, but they're on their medication—are schizophrenic and have visited the hospital.

As well, the amendment for the physical force is a very difficult one. I know this from working in the school system with psychiatrically ill kids who are difficult to control. There's special training for people on how to hold these kids without getting hurt and without hurting them, which is physical force. The basic rule is that you avoid it as much as you can. We just have to keep vigilant on how this is being implemented and then in three years, with the review, perhaps implement this amendment that got missed this time.

**1630**

The Liberals also wanted a rights adviser to be certified. There needs to be a certain amount of professionalism for people making these decisions and giving that advice.



As well, both the Liberals and the NDP proposed the creation of a mental health advocacy office. Right now the government is saying they're going to try to make the current advocate's office more accountable. Well, I hope you do that, but I share the concern that Dean Voukelatos's mom shares about the patient advocacy office itself. Where was that office when he wasn't admitted to a hospital when he wasn't taking his medication? I have heard this. Actually, I've had personal experience with this office with patients, and it's human rights above all. But human rights also include the right to live and to be well and to be healthy, and this particular office often errs on the other side and not on the side of life, of being alive. This particular patient threatened not only his own life but his parents' lives and his sister's life. This is a person who had an above-average IQ before he got ill. This particular office did not help him. Until you face those facts, we may have difficulties even with this bill.

I agree with my colleague from Thunder Bay-Atikokan that this isn't going to solve all the problems but it is a first step, and I support any first step towards solving mental health illness issues and problems. But there are again some inconsistencies, and they have to do with the school system. Mental illness often starts at a very young age, and with early intervention you can at least control, if not cure, a lot of mental illness.

With our funding formula, special education has been affected. I hear numbers that have increased and numbers that have decreased. All I'm saying is that there are fewer special-education services today, at least in my board, than there were five years ago. The one classroom on which we did research which showed an excellent prognosis for kids as far as finishing regular high school work was concerned was the class for the conduct-disordered students. All the others were borderline effects as far as taking them away from the mainstream was concerned. But this particular group of kids, the conduct-disorder kids, actually did better, dropped out less, finished more normal credits and finished regular high school more than those who were integrated. So for that particular group of kids with those high-risk behaviours, those classes were their only hope for mental illness prevention in the future. We have very few of those in Hamilton right now, and this will lead to problems later on. Prevention is key; resources are key. I'll support this bill as a first step but keep very vigilant in observing that the resources are there to support it.

**Mrs Claudette Boyer (Ottawa-Vanier):** It is with great pleasure that I join my colleagues on both sides of the House in support of Bill 68, Brian's Law. It has become clear to me that a new law is needed to deal with some of the tragic consequences of severe mental illness, both to the afflicted individual and to the community at large. I want to make it clear, though, before I begin, that I have certain reservations about supporting the bill. I say this because the individual's freedom to choose or to decline medical services is now being put at a certain risk. But we must recognize, however, the reality of this situation. At times, when they are ill, mentally challenged

people fail to realize the seriousness of their illness and do not recognize the importance of receiving professional help.

Even when their loved ones are involved, they may be unable to come to a rational decision, mostly because of their emotional involvement. As a result, they may not demand the proper medical attention, and thus remain untreated. When this happens, it is not uncommon for mentally challenged people to have episodes where they become a real danger to themselves and to others. There is no doubt in my mind that the incident that ended with the tragic death of Brian Smith happened during such an episode.

To prevent this from happening, we have to accept that government has a responsibility to find the balance between the individual's right to accept treatment and the community's right to a safe and secure environment. What the Legislative Assembly of Ontario has produced, as my colleague from Ottawa Centre has said, is a non-partisan bill that reflects a strong commitment to the crucial democratic principles of individual rights and public interests. Responding to the voices of those who know the realities of mental illness, the government, supported by the official opposition, has taken the proper steps to ease the pain of those whose lives have been affected by the consequences of mental illness.

The Edgewood Residence, a care provider in my riding, is a provider of domiciliary hostel care. Based on its experience in caring for mentally challenged populations, they feel that this bill is a positive step for several social programs. We have to come to the conclusion that a large percentage of the homeless population often consists of mentally challenged individuals. They feel that this bill will contribute to reducing homelessness by providing this population with the stability they need to function in a group setting. It is often the only requirement missing for their facilities to be able to provide them with a place to live and services to enhance their future.

Brian's Law allows for greater participation of those whose loved one requires professional help. It allows for families and doctors to help those in need during the initial stage of the illness. This law will allow people who have a history of mental illness to receive the care they deserve before their situation worsens.

This bill is important, but it must not be accepted as the end of discussion on the issue of mental health. The provincial government will have to follow through on its commitment to provide sufficient resources to community treatment plans and to care providers to assist these individuals and give them a chance to improve their lives. Without the proper funding, this bill could be useless. If the money is not there, the goals of this bill cannot be reached.

It is very important to repeat a point made earlier by some of my colleagues: This bill should not be seen as an indication that the Legislative Assembly of Ontario is emphasizing the potential for dangerousness of the mentally ill. We already know that the mentally ill are more

dangerous to themselves than they are to their communities. This bill is aimed specifically at a small minority, estimated at 5% of mentally ill individuals, whose conditions are most serious and potentially dangerous.

Most importantly, this bill allows for the mentally ill to receive the proper treatment within their communities. This means that certain people with serious mental disorders will be dealt with individually, without having to be placed in a hospital or mental health clinic.

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Ce projet de loi assurera que chaque personne qui a besoin de soins mentaux recevra le traitement nécessaire sans être hospitalisée ou placée dans une unité de soins psychiatriques. C'est vraiment une question de dignité personnelle, autant pour la personne affligée de la maladie mentale que pour les membres de sa famille. C'est aussi une question de sécurité publique, à laquelle nous avons tous et toutes droit.

Yes, I will be voting in support of this bill, but with a certain degree of skepticism. I truly hope this bill will provide the groundwork for progressive action in the field of mental health. This government must provide sufficient funding and resources to ensure that Brain's Law is more than mere lip service. But after five years of government cutbacks and cosmetic legislation, I hope that Ontarians will understand why I'm reserving my satisfaction until I am sure that this government will follow through on this initiative.

J'aimerais prendre l'occasion pour féliciter ma collègue de Thunder Bay-Atikokan et mon collègue d'Ottawa-Centre, qui ont travaillé ardemment pour trouver le juste milieu dans ce dossier si important qui est la maladie mentale. Il va sans dire que cet esprit de coopération entre les deux partis de l'opposition et le gouvernement ajoutera à la crédibilité de ce projet de loi, et surtout rendra hommage à tous ceux et à toutes celles qui ont souffert trop longtemps sous l'ombrage de la maladie mentale.

I do accept this first step, and I will repeat that this new law is needed to deal with some of the tragic consequences of severe mental illness.

Merci, monsieur le Président.

**Mr John Gerretsen (Kingston and the Islands):** I too will be supporting this bill, but before doing so I would like to mention a couple of brief points that I think may already have been mentioned but bear repeating.

Number one, I think a lot of the tribute ought to go to the member from Ottawa Centre. It's my understanding that he has brought at least three private member's bills forward on this issue, going back to 1996. It was through his perseverance that we are seeing action on this now. I've also got to pay tribute to the member for Stoney Creek and the member for Beaches-East York for making this truly a non-partisan event.

It's kind of interesting that this bill went to committee after first reading, before individuals and parties had staked out their positions, which normally happens on most legislation, which goes to committee only after second reading when the die is already cast. This is a

perfect example of how, in my opinion, legislation should be dealt with by the House.

There are many other situations in which there are truly non-partisan bills for the good of the people of Ontario that could be dealt with in exactly the same way. It's through our process of only referring bills to committee after second reading that we in effect make much of the legislation we deal with in this House on a day-to-day basis much more partisan than it needs to be.

Yet there are many concerns about this bill. I come from a community in the Kingston area where I've lived very close to a psychiatric hospital. My mother still lives within about two blocks of the Kingston Psychiatric Hospital. She has lived there for the last 45 years. As I mentioned during one of the earlier readings, I'm very concerned that this kind of initiative not be primarily used by the government, under the guise of deinstitutionalization and reintegration back into society, merely to get people out the door.

I can well recall some 15 or 20 years ago when this happened and everybody was in favour of deinstitutionalization and getting people back into their communities. Many of the same people I used to meet on a day-to-day basis walking the streets of the village of Portsmouth, which is the portion of Kingston where I'm from, were left in absolutely deplorable circumstances and conditions, in substandard housing, four or five to a room, without any kind of community supports, without any kind of mental health supports. I said to myself, I and many others, wouldn't it be better at least for these people to be in an institution where they had a roof over their heads and where they had three square meals a day? I'm skeptical that perhaps the government has moved on this in order to save costs and not provide the necessary community treatment facilities and programs that have to be out there.

It's kind of interesting. I attended a conference in Kingston about two weeks ago, and they asked me to sit on a panel. It was the first annual Schizophrenia Society of Ontario conference that was held at city hall in Kingston. To tell you about the interest in this particular issue, on the very first night of the conference, when one would not expect to see a lot of people at a conference because normally it takes people perhaps a day to get there etc, there were over 300 people in our city hall who were deeply concerned about this issue and particularly what Parliament was doing with Brian's Law. I was very deeply moved by a lot of the stories I heard not only that night but also from our own society in the Kingston area over the last four to five years. There are some horrendous stories out there as to how this affects not only the individuals who suffer from mental illness but also their family members, and how these people are sometimes in a complete and total state of despair because they don't know where to turn to get help. Hopefully this legislation will provide the help, but only—I would like to repeat again—if the necessary funding is there.

It's kind of tragic that when you look at our budgets, we spend something like \$2.5 billion per year on mental



health services. Compare that to 70 or 80 years ago. It's my understanding that the province then spent almost one fifth of its entire budget on mental health services. I know circumstances have changed, conditions have changed, but certainly even if you look at it within the confines of the health budget, the amount of money we're spending on mental health services is probably about 8% or 9% or 10% of the total health care budget. When you look at the community health aspect of that, we're only spending something like \$450 million per year in that area.

Different organizations and different individuals have taken different approaches to this bill and to what it may do. The Canadian Mental Health Association estimates that if you want to put this into effect and provide the services out there for the individuals, the health care system needs to be boosted by \$320 million per year, and yet it's my understanding that in the last budget estimates there was absolutely no inclusion of additional money that is required in order to put this bill into effect and to make sure people have the necessary services. I have a great concern about that.

I have a great concern over the fact that neither the federal government nor the provincial government is doing anything about social housing in this province, about supportive housing. You can go into community after community, and the available housing not only for individuals who are afflicted with mental illness but for the people at the bottom rung of the economic scale is getting less and less because nobody's building affordable housing. So it's necessary for the government to get involved not only in the health care services that are required for people who will be out in the community, but for other ministries of the government to get involved in it as well, such as the housing ministry.

I would urge, and I have urged on many occasions in the past, that it's absolutely necessary for the two senior levels of government to get involved in the housing scene once again, or more and more people at the bottom end of the economic scale, particularly people who suffer from mental illness, are going to be affected on a day-to-day basis, as we see right around this building. The number of people who are sleeping on park benches and in corners of buildings outside has been increasing just over the last three to four years that I've had the privilege of being here.

1650

We have many concerns. I can well understand the individuals out there who have a great fear of this legislation because their individual rights may be affected. I would hope that by coming up with this bill on sort of a joint basis with the co-operation of all the parties in the House, we're really putting the government to the test: Will you now do the right thing and put the necessary resources into the mental health field?

What I like about the bill is that one of the amendments that was moved says a review has to be done after two to three years. I think probably all legislation of a very controversial nature like this should have that

included in it. This will allow not only the parliamentarians but obviously also the various staff people within the ministry to take another hard look at whether this legislation is really doing what we all in this House intended it to.

I would urge the government to say yes, this was a great effort on the part of all parties involved, but this is only the beginning. The way it can show that it really means what it says is to start putting back into the health care system the much-needed funds, particularly for mental health services.

**Mr Richard Patten (Ottawa Centre):** I'm happy to join my colleagues in the Liberal Party to speak on this bill. I'm extremely pleased to be here at this particular stage to participate. I've always said that I consider this issue to be a non-partisan issue, and I will carry on in that vein.

I would like to acknowledge first of all the Minister of Health and Long-Term Care for her continual commitment, since I have known her, to reforming the Mental Health Act and for keeping her promise to work in the spirit of a bill that I had put forward by providing access to the Ministry of Health's legal counsel.

I'd also like to acknowledge the efforts of the Chair of our committee, the standing committee on general government, who perhaps is not known for this kind of reputation, for the fairness that he demonstrated in this situation and for the way in which he worked very hard to see that the views of all parties indeed were considered in procedure and in time for debate.

I want to particularly acknowledge the efforts of Brad Clark, the minister's parliamentary assistant from Stoney Creek, who led public consultations prior to the tabling of the bill and who took charge in seeing Bill 68 through the legislative process, including first, second and now third readings, and the very extensive public hearings that we had on this. We heard a range of presenters, both those who were for the bill and those who were against the bill. This allowed the committee, of course, at that stage to digest the points made during hearings and use points made in the depositions from witnesses in formulating their reaction at second reading. I think that's truly the role of public hearings. I find that there's a great deal of wisdom that is shared and a great deal of meaning in hearing from people who will be affected by this particular bill. I applaud all of those who took the time to speak to us.

I would make one recommendation in this process, and that is that the advisers from the Premier's office actually participate somehow in the hearings, to have a sense of the flavour and the points that have been made on all sides of the issue so that when it comes time for the persons at the committee table to incorporate and actually make decisions on amendments, they have a better understanding of the intent of the proposed amendments. I hope someone from the Premier's office is listening, because I think some of the committee members on the government side certainly would appreciate that.

I'd like to thank the government, however, in spite of that, for the House leader, who sent the bill to committee prior to second reading and for not time-allocating or putting closure in on this bill. I say, see? It can happen. This is a great example of that, where all parties can work together. I'm not saying all parties can work together in this fashion perhaps on every single issue, but it certainly is, in my opinion, an example that it can be done.

Finally, I'd like to acknowledge legal counsel from the ministry and the hard work and efforts they put in on being helpful to all the parties.

I do want to say, though, that I have a few disappointments. At the end of the day, I will be supporting this particular bill, but I have some disappointments, things we wanted to see that weren't done—and I'm going to address a few of them.

A patients' bill of rights, for example. We are advised that there will be a patients' bill of rights that will come, and it will include, certainly, those who are in the mental health category.

We didn't get a statement of principles, but there was an attempt to acknowledge that we had to address that in one fashion.

A change in terminology from "community treatment order" to "community treatment agreement," which I believe this truly is. The government said: "Listen, we wanted a consensual medical model. This is not a court order, a legalistic order, as it were, from the courts. This is an agreement. It must be agreed to by a particular patient or a substitute decision-maker." Therefore, I still feel that way, that it is an agreement, and that truly would be more reflective of it than using the term CTO.

A change in the criteria for issuing a community treatment order to ensure that only involuntary hospitalization in a psychiatric facility is considered in determining if a person could be placed on a community treatment order.

The establishment of a mental health advocacy office: My colleague from Thunder Bay-Atikokan already dealt with that.

We are supporting the bill, at least most of our members. I must tell you that most of us have agonized in trying to arrive at that balance and that feel for the ensuring of human rights yet at the same time making sure people also have a right to treatment. I refer to one of my colleagues, George Smitherman, the member from Toronto Centre-Rosedale, who has been going back and forth on this issue literally in terms of whether he would or whether he wouldn't support the bill because of his worry that perhaps there are some things here that could be abused. I believe that at the end of the day, when we do get to a vote, he will be supporting this as well.

I'd also like to say that the government has accepted a number of our amendments and incorporated them into government amendments prior to either second reading and prior to the debate we had. Although a statement of principles originally proposed as a preamble was not incorporated, the principle that stated who community treatment orders are intended for was included in a new

purpose clause. This was very important for us and this has taken place.

The other amendment that was included was of course the review. We've already talked about that and I won't repeat it, except to add that of course it is important and we would have review of this program within a three-year period.

My colleague Lyn McLeod has reviewed a number of the amendments. I have mentioned the term "agreement." There was a second amendment I wanted to mention that we felt strongly about, that the criteria for consideration for CTOs should be two previous involuntary admissions in a psychiatric hospital. The province of Saskatchewan uses this as a test. It seems to have worked well there, so I was disappointed to see that it wasn't incorporated.

The community population we're talking about in the purpose clause is that they lack insight into their illness and their need for treatment. They therefore remain untreated in the community and deteriorate. This is the group we're talking about. Voluntary patients don't need a CTO; they can make any arrangements they wish with their physician regarding a particular plan. This happens all the time and will continue to do so. Again, the government was firm on their position, although the rationale was not so clear. The intent of CTOs is for involuntary patients, I suggest, and it says so in the bill. This is how it operated in other jurisdictions and in the United States, where every state Legislature contains some sort of provision for mandated outpatient treatment.

I would like to thank the Schizophrenia Society of Ontario, and the Ontario-Carleton branch in particular, for bringing the issue of the seriously mentally ill who are part of the revolving-door syndrome to my attention. They did this during the election in 1995, some five years ago. It was at that time that I decided that, if elected, I would introduce my private member's bill on this issue. I said I would not give up. Indeed, I am delighted and proud and pleased to be here today to see that sometimes if you keep at it, some good things can happen.

**1700**

But in the memory of Brian Smith, we have heard the words—I'm going to repeat part of them because I think they're worth repeating: "Brian's bill." I'd like to acknowledge Alana Kainz, the widow of Brian Smith, after whom this law is named. One thing she expressed in testimony in Ottawa, very heart-wrenching testimony indeed—she said, "Jeffrey," the man who shot her husband, "was a victim of a mental health law that failed him too when he shot Brian. There has been a small amount of opposition to this. ... This is not about reacting to a serious event. It's about preventing one."

She says: "First of all, Brian was not murdered. I have come to terms with that. There were two victims here. Naming the law after one of the many victims puts a human face on the legislation and reminds us of its purpose." I take those words as very meaningful, and I think many members do.

I'd also like to acknowledge someone who certainly helped me through much of this time, and that's Dr



Heather Milliken, the associate professor and director of continuing education at the department of psychiatry at Dalhousie University and thank her for her support. When I introduced my first member's bill, Bill 111, amendments to the Mental Health Act, Dr Milliken was a psychiatrist at the Royal Ottawa Hospital and she took a great deal of interest in this bill. She is in a hospital as we speak, suffering from breast cancer; otherwise, I'm sure she would want to be here. As a clinician working with the seriously mentally ill and their families for over 19 years in four provinces and as a research and educator in the field of schizophrenia and related psychotic disorders, she's kept me updated on the latest scientific knowledge regarding serious mental disorders and given me important advice and comments on the issue.

Of all the advice she has provided, there are two points that have resonated that are particularly salient to the population. The first one is that the duration of untreated psychosis, that is, the length of time someone is psychotic before receiving appropriate treatment, is the strongest predictor of outcome even when one controls for all other variables. The average duration of untreated psychosis is two years in many studies.

With each relapse, the time to respond to treatment is longer and a greater percentage of individuals do not in fact recover their prior levels of functioning. There is a risk of further deterioration.

There is evidence to suggest that once an individual develops a psychotic illness, such as schizophrenia due to an underlying biological vulnerability, the psychosis has a further neurotoxic effect on the brain. In other words, the longer someone is ill before receiving treatment, the greater the chance of poorer outcome.

This is not in dispute. There are over 30 studies that have come to the same conclusion. For these reasons, the prevention of relapse must be a fundamental component of the treatment of individuals suffering from mental disorders, and this is what this bill is all about.

The second point relates to the major advances in the pharmacological treatment of individuals with schizophrenia and related psychotic disorders. In the past, one of the biggest problems was the side effects from the older medications. There is increased evidence that the second-generation anti-psychotics are more effective and have fewer side effects. As well, there has been the introduction of Clozapine, which has been shown to be effective in the treatment of individuals who have previously failed to respond to any drug treatment whatsoever. We now have available effective and safer treatment for these disorders.

The rationale for identifying individuals suffering from these disorders as soon as possible following onset of the illness and for initiating treatment as soon as possible is no different from the rationale for other chronic medical conditions—the sooner treatment is initiated, the better the outcome.

Finally, I want to reiterate a point made by so many at the hearings, the only point that virtually everyone agreed on: When we talk about long-term services, what do we

mean? Unless there are substantial further resources put into the community, this bill will not be able to function. As a matter of fact, it's part of the bill's structure that there must be the community resources in order for this bill to take effect. That's one check on this happening. Therefore, it acts as an enabling and stimulating factor for the government and all future governments to respond appropriately.

When we talk about community resources, we have to talk about that for everyone, not just for those who may be on a community treatment order. This is not going to work if that doesn't happen.

Community services can include appropriate housing, family support, psycho-education, counselling, training in social skills and stress management, and assertive outreach and case management by a multi-disciplinary team. These community services will not be available in all communities—I understand that—but the good thing is that these amendments, particularly the CTO provisions, will be enabling and they will flush out what is needed and enable the government to respond appropriately.

The aim of Brian's Law is to provide access to treatment for the seriously mentally ill. I'm proud to have been associated with the process that has culminated in this bill, and I'm convinced that it will result in a better life for many people who are seriously mentally ill and their families. This will touch the lives of hundreds of thousands of people in this province and eliminate much of the enormous suffering that many people have endured.

The target group has been said, and I will repeat this:

"The purpose of a community treatment order is to provide a person who suffers from a serious mental disorder with a comprehensive plan of community-based treatment or care and supervision that is less restrictive than being detained in a psychiatric facility. Without limiting the generality of the foregoing, a purpose is to provide such a plan for a person who, as a result of his or her serious mental disorder, experiences this pattern: The person is admitted to a psychiatric facility where his or her condition is usually stabilized; after being released from the facility, the person often stops the treatment or care and supervision; the person's condition changes and, as a result, the person must be readmitted to a psychiatric facility."

I suggest that when we know we can help people and when we have the treatment to be able to help a person to not continue to disable themselves, because surely that is what happens, we are helping and making a contribution to the quality of life of individuals, families and the community. I'm very proud to be in support of this bill and I thank you very much for the opportunity.

**Ms Lankin:** I'll be sharing my time with the member for Hamilton West.

It has been an extraordinary experience working on Bill 68. It's been a number of years in this Legislative Assembly since I've had the opportunity to work collaboratively on a bill, where the government has seen fit to do what I think should be a more common experience

in this place, which is to involve all members of the committee in a process of discovering, understanding and learning the intent of the legislation and working together to ensure that the best piece of legislation possible comes forward.

In that vein, I want to pay tribute to the minister, who is participating in this debate today, because I believe very strongly, and this is perhaps from my own experience of having once sat in the chair she sits in both figuratively in this chamber and literally in terms of the office, that it is only with the instruction, direction and support of the minister that this kind of process could have happened.

Your parliamentary assistant, Brad Clark, was absolutely superb in his effort to work collaboratively. He said earlier in this chamber that in paying tribute to the process and to the work of opposition critics, he believes the bill is a better bill as a result of the work done. I share that view with him. I also, however, believe that many of the amendments that were not passed have left the bill wanting.

1710

I find myself in a curious situation listening to the Liberal health critic, agreeing with much of what she said, but coming to a different conclusion with respect to my own personal ability to support the bill. But that doesn't take away from the fact that I believe the process has improved the bill. It is also important, given the spirit of what we have done collectively, that there is a record of dissent with respect to the ability of this bill to meet the needs of the population we speak of and the actual intent of the government. There I think we have come to a unanimity of agreement, with respect to the intent, and that in and of itself is a little bit of a remarkable occasion in this legislative chamber in these days.

I just want to take a minute on this because I want to get to the substance of some of the things that I hope I can encourage the ministers to think about in the future in terms of where I think the bill has fallen short of meeting its intent.

On the process, on the good and the bad side: On the good side, for a bill like this—which is not a bill based on ideology; it's a bill based on intent for better public service and intent for getting treatment to people who need treatment—to be referred out after first reading is a very positive step because it allows legislators to reach out and listen without the bias of having party positions on record. It would be the same no matter who was in government. It has freed government members from a simple line and allowed them to take a second look at aspects of the bill which, irrespective of which party is in government, has not often happened when hard lines have been taken through second reading debate.

One of the faults that occurred coming out of those hearings was the very quick turnaround time within which it was back into the House for second reading. I think that in better circumstances, both the minister and parliamentary assistant would have liked to have seen a bit of time for people to absorb it.

We were still receiving the final written submissions and trying to read through volumes of things while we were taking positions in second reading debate. I believe that most of the issues have been canvassed. I don't believe that was a serious detriment to the actual end quality of this bill. But in terms of a process that we're attempting to establish of doing things in a different way, it was one of the shortcomings.

We then moved from second reading, again very quickly, into clause-by-clause, such that people were scrambling in terms of trying to develop amendments. One of the things that happened in that interim period—this was something I supported and often engaged in with work with my parliamentary assistant and opposition critic when I was minister, and this minister has done the same thing—was the process by which we met together with legal counsel from the ministry to talk about the amendments to see where we could find agreement, and hopefully then to have the wording of that agreement drafted by ministry counsel in a way that was consistent with the drafting style of the bill, so that we weren't arguing about words later on, so that we were actually getting to the intent.

That was quite positive, but then to turn that around into actual amendments—extraordinary work on the part of ministry counsel. There was also extraordinary work on the part of legislative counsel working with the two opposition parties in a very short time. It was too short a time. I think some of the amendments didn't pass because of the inability to reach agreement around wording that might have been facilitated by a lengthier process. I think some of the wording that we did pass falls short of the high standards of legislative quality, but we did our best in the time period that was there.

I will mention that we received all the amendments around 2 or 2:30 in the afternoon, in the middle of question period on the day we were to commence the clause-by-clause. There was a little bit a temper tantrum on my part. I can see the parliamentary assistant sitting back there. I'm sure he'll remember. I got 45 minutes' recess to go away and go through some 70-odd amendments and try to be in a position to respond intelligently, with knowledge and with facts. We did our best but that time frame was not good.

In the process of clause-by-clause I think we all felt rushed, but it was a self-imposed process of trying to meet the government's goal of having this bill passed by the end of this session. However, there was some interesting and incredible give-and-take during that period of time. We actually drafted some language on the fly in the middle of the clause-by-clause, some of it better than others. But there was a give-and-take, so that was good.

On the bad side again, we come out of clause-by-clause and immediately here we are in third reading. We had to give unanimous consent to proceed with third reading without the bill being printed. It only arrived today. Nobody has seen the results of the clause-by-clause recreated and reprinted in the bill. Second, the Hansard record of the committee hearings on clause-by-



clause will not be ready until Thursday. So no one has the record of the debate that went on to be able to point to the areas of agreement or dissent. Yet here we are today dealing with the bill. That falls short of the standard we should set for ourselves. But enough said on that, because I want to pay tribute to the good things that have happened in this process and to just place on the record some concerns and suggestions on how we can improve the process in the future.

In terms of the content of the bill, there are a few amendments I would like to go through and talk about in a bit more detail. One of the most important things that I think the government did that in the end was negotiated and put forward was an amendment to the purpose clause of the community treatment order provision. I think we all listened very carefully during the hearings and heard over and over again that this provision, the community treatment order, as contentious as it is, as was acknowledged earlier by the parliamentary assistant, is really only intended to meet a very small part of the community suffering from mental illnesses.

I've had the opportunity to be guided in my thinking and my development around this bill by some pretty important people whose life experiences have led them to believe that their family members would be so well served by having an opportunity to access a community treatment plan that has elements in it of compliance and support brought together in a professional way where the family is involved with the individual, the care providers and the community. In fact, there are a couple of them who are here today, one of whom I think missed only two meetings; the other one missed only one—were you in Ottawa too? OK, just one that you missed—and have been here throughout all of the debate. The commitment that they demonstrate is because of the life struggle they have experienced in attempting to reach the services for their family members. They have been so instrumental in deepening my understanding of the need for a better system of treatment. They've also been very tolerant of the issues I've brought forward in terms of concerns I've raised, and in fact supportive in terms of some of the amendments to try to ensure that we have adequate services and that we have systemic advocacy around the system itself, because they know first-hand that there is a lack in the system as it is now that this legislation, on its own, is not going to address. So it's been a very important relationship.

But the change in the purpose clause that the government brought forward actually, which is an attempt to in a sense clinically narrow the application of community treatment orders, is designed to address much of the concern in the community of people who have suffered from mental illness and who have survived the psychiatric system and who feel a threat by the concept of community treatment orders as it has been imported in our understanding from the US court-based order system. The attempt here to clinically narrow is a positive step and it does not go as far as I believe it should.

But I'm very pleased that the government made this effort, in particular where they talk about the pattern of life experience of the individual, the person who is admitted to the psychiatric facility, where his or her condition is usually stabilized. After being released from this facility, the person often stops the treatment or care and supervision, the person's condition changes and, as a result, the person must be readmitted to a psychiatric facility.

That's not a very in-depth description, but a description of the loved ones and family members of the individuals who have helped me as I've come through my understanding of these provisions. So that's a positive thing.

1720

On the other hand, we put forward an amendment to talk about the right to mental health services, because many have raised concerns about the volumes of people out there who voluntarily seek services and who cannot get access to the services they need. We talked about the types of services a person has the right to receive and the way they should be dealt with by a service provider. We talked about the fact that a person has the right to be informed about community services, the number of families who come who are not provided with good information about what is available and/or what could be available if services were organized differently. We also talked about the person having a right to receive mental health services in a timely fashion, the right to receive timely treatment, because we heard so often over and over that early intervention can make all the difference in terms of the lifelong experience of that individual and the prognosis for health of that individual. That amendment was defeated by the government. A similar amendment put forward by the official opposition with respect to issues of patient rights was defeated by the government.

Something that I argued for from day one was the absolute need to create an office of mental health advocacy. I want to tell you, before I go into what was proposed in the amendment, that I am not just talking about the Psychiatric Patient Advocate Office that exists now. That's an individual patient advocacy representative currently within our psychiatric facilities, and it will be broadened and the mandate is under review right now. I am talking about systemic advocacy for the mental health system. I'm talking about people like officers of the Legislature, like the Environmental Commissioner, like the Ombudsman, like the Freedom of Information and Privacy Commissioner, who have a special role we have given to them to oversee a system of public services, in this case mental health services.

I contend, from my time in the Ministry of Health and from my experience over the years, that mental health services have become the poor cousin within the myriad of our collective expectation of the health care system in this province. When there are backlogs in emergency rooms, the government hears about them and there are front-page headlines. When there are backlogs in access to cancer treatment, there are front-page headlines. When

there have been and continue to be, and into the foreseeable future will be, huge waiting lists for access to mental health treatment, there's a silence that is deafening. We need to take the collective step to elevate our understanding and our perceptions and our accountability with respect to the community that is in need of mental health treatment and mental health services.

Other jurisdictions have introduced this concept. During the hearings I referred to and brought information from some of the US jurisdictions. Here in Canada, in British Columbia, they have established the office of the mental health advocate. That office has just recently issued a report which was a systemic review of the system, about what's happening in facilities and communities, where the gaps were. If we want an integrated system, we need to examine it as an integrated system and we need to have that kind of oversight. They are currently placing the authority for that position in legislation in BC.

I proposed legislation similar to that and similar to what exists in Ontario with the office of the child advocate, who does systemic advocacy on behalf of children's issues, contained within the Ministry of Community and Social Services. I contained this provision within the Ministry of Health—I tried to do it in the least threatening way possible to the government—an office that would conduct a systemic review of the mental health system and its ability to meet the needs of those who receive or seek approved services, including a review of the adequacy of the level of service delivery, a review of the effectiveness of the implementation of services, a review of the community treatment orders and their effectiveness, a review of the use or lack of use of community resources; reports that would come to the minister, to the Legislature and to the public in the form of annual public reports.

I'm not going to go on about this except to say that the government simply defeated this, and with only comments that the Psychiatric Patient Advocate Office mandate was being reviewed. I beg you to separate the roles of individual patient advocacy, for which there is a need. The office exists and the mandate needs to be reviewed as you shift the location of where treatment is provided. Please keep that role separate from the concept of an office of a mental health advocate that looks at the system and does systemic review.

Let me move on to a couple of other amendments that I felt were very important. I proposed an amendment with respect to the role of the public guardian and trustee. Part of this legislation with respect to community treatment orders is based on the consent of substitute decision-makers. There are people in this community who will be affected who do not have trusted substitute decision-makers or have no substitute decision-makers at all. They can, by power of attorney, appoint a power of attorney for personal care. But if there is no one in their life who can take on that role, their only recourse is to go to the office of the public guardian and trustee.

Currently, while that office is authorized to take on that role, they are not required to do that. It would take resourcing to provide them with the necessary levels of support for them to take on this role. In fact, it's why they're reluctant to, although on some recent occasions they have actually agreed to take on this role. It's not a consistent role. It needs to be resourced. It needs to be mandated. That amendment was defeated by the government.

We put forward an amendment with respect to the definition of "mental disorder" that looked to other jurisdictions, copied the wording from other jurisdictions, attempted to give a clearer sense of what we are talking about. The current definition in the legislation is very vague. It just talks about a mental disorder being any disease or disability of the mind. We believe there was a need to give greater definition to that. We think that would have strengthened the bill in many ways in terms of, again, who the bill is designed to address in our community.

Some of the concerns that have been raised here were not by psychiatric survivors but by representatives on behalf of the homeless who are concerned about the broadened criteria for involuntary committal. We believe that a clearer definition of "mental disorder" would have brought greater clarity and would have brought relief to the concern that some have, and that I share, with respect to how some of these provisions will actually be implemented in the real world.

Similarly, there were concerns raised during the hearing about some of the vague and ill-defined criteria in the section of the bill dealing with broadening powers for involuntary committal. I believe this is an area that the government truly fell short of addressing simply because of the timeframes that were imposed on us as a committee.

One of the things that we've heard very clearly, for many years, about the need to remove the word "imminent" from the criteria for involuntary admission was that it was too hard for people in the community—the justices of the peace, police officers, the general practitioners, the family doctors—to give real meaning to what "imminent" means. Did it mean in five minutes? Did it mean in 24 hours? Did it mean within a week? The courts gave definition to it, talking about meaning within roughly three months.

I'm sorry but I'm very sympathetic to the people who said, "That doesn't make a lot of sense." As a lay person, I would never think of "imminent" having a definition as long as three months. The people who were concerned about the removal of the word "imminent" and who said, "All we need to do is educate people better," pointed to the court decision. Rather than simply eliminating the word "imminent," if we're all comfortable with the time period of three months, why don't we put that in the legislation? Why can't we be clear about what it is our expectations are? Why is that we create legislation with vague words that we leave to people to interpret and then



complain if they interpret differently than our intent as legislators was at the time?

Other amendments dealt with where I thought to either have government clarify the language or delete the language because I felt its vagueness and its ill definition leaves open the ground for us to relive the history of this, perhaps on the other side of the pendulum swing. I'm disappointed that I believe as the result of a lack of time there was not significant effort to address those areas of concern.

1730

Briefly, with respect to powers of the justices of the peace, I just want to point out that new provisions and criteria that are put in place for justices of the peace to give consideration to whether someone is suffering from a substantial mental or physical deterioration or serious physical impairment, I believe call for a medical assessment. I believe it's outside of the professional capacity of the police, that we should have left that section more evidentiary-based. However, that will play out in time. We'll see what kind of education is being provided to the JPs and how they are able to cope with that section and whether that section will become frequently relied upon or used by justices of the peace.

I sought to have an amendment to ensure that individuals who were seeking treatment for mental illness did not require a community treatment order as a precondition to getting comprehensive community-based services. One of the concerns we heard over and over is that someone with a community treatment order in place would bump other people out of the system—those people voluntarily seeking services. I don't believe that's the government's intent. But again, if you don't have clarity in the bill, how it gets implemented in the community, how scarce resources get allocated is a very significant issue. We have seen, and I have to point to things like making services work for people, where the whole exercise about integrating services in a whole range of areas under the Ministry of Community and Social Services has ended up being an exercise in rationing services, not in providing equitable access to services. I fear that the possibility—in fact, without massive infusion of resources, the reality will be that individuals seeking treatment and comprehensive resources voluntarily will be moved to the bottom of the list. That's not the intent that anyone wants. People want to have early intervention and help. I think it was a very unfortunate thing that the government defeated that amendment.

I believe also that with respect to the criteria for eligibility for a community treatment order, there are two or three things—I quibble with the time periods. That wouldn't in and of itself have caused me a significant problem at the end of the day, but the government persisted in allowing for someone's prior experience in a psychiatric facility—even when that experience was as the result of a voluntary admission—to start the clock ticking towards a community treatment order.

We put in place another amendment, which I applaud the government for, which we worked with them on, that

allowed, where someone was in a psychiatric facility and there was a feeling that they could themselves relocate into the community with supports or some kind of conditions on relocating to the community, that they could do that without the old intent of the legislation, that only being a temporary pass with the intent that they were coming back to the facility. So there is a mechanism in place for those people who are currently in a facility to be released out there if they don't meet the community treatment order criteria.

The downside of what the government has done is the chilling effect that it will put on some people in the community who will fail now to seek help, on a voluntary basis, to seek voluntary admission because they believe that the clock is starting to tick in terms of what may happen down the road with the imposition of an involuntary community treatment order in the community.

I don't understand the government's reasoning on this. Surely the last thing we want to do is stop people from getting help on a voluntary basis. It doesn't matter at the end of the day where you fall on the issue in debate with respect to community treatment orders. Everyone knows that there have been two communities out there with opposing views. No one can deny the strength of concern, the level of concern, that has come from some parts of the psychiatric survivor community with respect to this provision. I think we do what we can to allay their concerns, while continuing with putting the best legislation in place to meet the concerns of those family members who seek to get community treatment orders for their families and their loved ones who suffer from mental illnesses like schizophrenia.

Why the government would leave in place a provision that has a chilling effect on seeking voluntary treatment, I don't know. And that, to me, is such a significant fault in this legislation. I fear for what it means in terms of individuals' lives out there. I fear that we are trading individuals, and that's not what anyone wanted, certainly not the people who endorsed this concept and endorsed the thrust and the intent of this legislation.

A couple of other things: We looked to US jurisdictions where, in fact, there is a process for an independent second medical opinion with the respect to the content of community treatment order plans. Some things that we know are that not everyone has the same level of training in terms of putting together a comprehensive base plan and not everyone has the same opinion in terms of which medication is better for an individual. The ability for a family, for an individual to seek a second opinion, as a right in the process, was defeated by this government, and yet it's in place in US jurisdictions that we can point to.

It will eventually be in place here, because in some of the US jurisdictions it was as a result of appeals to the courts about their legislation and it was as a result of higher court decisions on appeals that these provisions have been put in place, either as a matter of common law or, in some cases, as a matter of statute now.

We will inevitably have that happen here. Again, I think it was very short-sighted for that not to be dealt with in a very upfront way and built into the legislation in a way that was not cumbersome to the system but that complemented the system that the government was putting in place.

This is a more minor concern, more minor in that it is a small concern that would have taken a small fix, but for some individuals it will be significant. There is a provision in the bill where a physician, if they need to leave for some reason, can hand over the supervision of a community treatment order to another physician, with the agreement of that other physician. We wanted to suggest that the individual, or the substitute decision-maker, if the individual is not the one making the decision, should also be consulted and agree to which physician this is being referred to, or being handed over to. That was defeated. Some of these were very hard for me to understand in terms of where the government came from.

One of the very significant amendments that I put forward that the government also defeated was an amendment to introduce mandatory community services and standards for community services. One of the submissions, from the Registered Nurses Association of Ontario, addressed this very clearly when they said that "the absence of a mandated basket of services, with established service standards, is a significant and glaring omission in this bill."

Under section 11 of An Act respecting Long-Term Care, 1994, which is a bill that was brought in during the time that I was in government and I had much to do with in the early days when I was the Minister of Health—although it was my successor minister that brought it into the Legislature—we included requirements for mandatory services, what was the minimum list of services that had to be available in every community in the province. We've heard many people speak to the fact that there is such glaring inequality. Let's address that as legislators. We spelled out the list of services, in terms of nursing services, personal care services, home care services, actually listed the services right in the law. That law was not acted on by this government and they've gone a different way and passed their own law, which is without that basket of services.

Perhaps it shouldn't have been a surprise when they defeated my amendments, but I want to tell you the lengths I went to. We didn't even spell out the list of the services in the legislation, because we knew it would be very hard to reach agreement among the three parties on what those services should be, so I constructed the amendment in such a way that the minister shall establish a list of mandatory community treatment services to be provided by all regions as prescribed in regulation, so the minister could set it out in regulation. She could take the time to develop that list, but the goal would be clear and the intent of the Legislature would be clear and the accountability of the government would be clear, that there would be a minimum list of services in all regions.

Similarly, there would be standards for those services set out in regulation.

Those are two very simple clauses that would have given me so much more confidence that the possibility of implementing what the government says it intends to do with this legislation was real, and the possibility of beginning down the road of meaningful development of integrated services for those suffering from mental illness was real. That was dismissed out of hand and rejected. It leaves me feeling that this bill is significantly lacking in some of these key areas: the list of services, the standards, the mental health advocacy systemic review and some of the other points that I made.

1740

I will indicate that one of the things we worked together very hard on was to bring forward an amendment that had a provision for a review of the effectiveness of community treatment orders. It was tough to get to the end place, but I credit the parliamentary assistant with the work he did with ministry counsel and the opposition parties in developing that language. We now have a process where there will begin, within about two years of proclamation of that section, a process for reviewing the effectiveness of community treatment orders and a five-year review thereafter. That's important, but what this section's missing is a link back to the Legislature, linking a sense of independence of the review. It's a review that will be conducted by someone the minister appoints. It could be within the ministry, and there's no provision for it to go anywhere other than to the minister.

The proposal I had made was that the review come back to the Legislature so that we could confirm that the language we passed was right and correct and was doing the job or that it was lacking and needed to be addressed. The folks out there who want these legislative amendments will tell you how many years they have been fighting to get government to open up this legislation. It only gets opened up every—what?—15 or 20 years in this province, it seems the history is. If there are problems with the community treatment orders, if they do not meet the goals and expectations of the community, and if they live up to the concerns of some other parts of the community and don't meet the intent of the government, it will be a long time before this legislation is back in this House and open for that to be addressed.

That's unfortunate that that link back to the Legislature wasn't made, but let me give credit to the government for putting in place that review. That's really important, and I know the parliamentary assistant felt that was a reasonable proposal and he worked hard to work that through the system.

A small but very important amendment that the government carried—I'm not going to say that it took arm-twisting, but boy, it was a tense moment or two there—was a little, tiny clause about privacy of health information. Privacy of health information has been a hot subject in this Legislature before and will continue to be in the future, I'm sure. There have been ministers of health who have stepped down from their portfolios as a



result of inadvertently violating provisions of health information privacy.

I was very concerned about a clause within the bill that compelled individuals who were party to the community treatment plan, members of regulated health professions who have professional standards that they have to meet with respect to health privacy, to share that information with others who were part of the community treatment plan, which could be community agencies that have no legislative requirements on them at all not to divulge private health information.

We didn't see eye to eye for some time in the debate back and forth on this, but at the end of the day the government did pass a simple amendment which put the prohibition in place for those individuals who are not covered by other legislation from divulging that information outside of the group that is involved in community treatment plan.

I have to be honest with you: I do not know whether the language we passed does the job. I'm very distressed that through that process there wasn't proper consultation with the Information and Privacy Commissioner. It would have been a simple thing for us to do. I have considerable faith in the ministry counsel and the group of them together who put forward this provision in the end, and I hope we've done the job together. I don't know, and time will tell.

There are many things to be said about the experience of having gone through the hearings on this and of the many discussions that took place in communities, in my own constituency and within my own caucus. It's interesting how people can experience very similar situations and come to very different conclusions.

On a light note, as I indicated, the Liberal critic and I are probably in complete agreement with respect to what we support and what we don't support in the bill and where our concerns lay, and yet she finds herself compelled to vote in favour. I find myself compelled to vote against and to have some record of dissent as we go forward collectively to hold ourselves as a Legislature accountable for the appropriate implementation of this bill.

In discussions with some of my colleagues, two of them have had very personal experiences in their family lives with individuals who suffer from schizophrenia. Both of them have had very similar experiences with the tragedy of the waste of life that can occur, with the struggle to get the right services for the person at the right time in the right way, with the pain of the family trying to cope with that. Yet both of those individuals have a very different perspective on this bill and whether this bill meets the needs of their family and their loved ones. They're going to vote in different ways. We'll be deferring this vote until tomorrow, but when we vote on this, one of them will be voting in favour and one of them will be voting against. Go figure.

What it does is speak to the complexity of the life experience that we're trying to deal with in some ways with simplicity of laws. Laws, in and of themselves, are not going to fix this problem. It is incredibly important to

have the right legislative framework and I don't want to take away from that. As I said in the beginning, at the end of the day, having supported this bill through first and second reading and at third reading finding the bill wanting and wanting to have a clear record of dissent as we go forward does not take away from the fact that people worked hard and did, in the end, improve this legislation. I say that again on the record because I think that is critical. The experiences that people have had and what solutions work and where they seek to find the help and how their experience in various communities of the various different levels of support have shaped their views has been, I think, an amazing challenge for legislators, to find their way through the road here to come up with the better and/or the best legislation. I think the legislation is better; I don't think it is the best.

There are a few people I want to thank on the record before I make my final remarks on the bill. I want to indicate that I've already spoken to and given my thanks to the minister and to the parliamentary assistant.

I want to also thank Ms McLeod and Mr Patten. I believe that the group of us working together on this bill struggled with many complex issues and many difficult challenges and worked collaboratively, the way legislators should, to try to find the right path, to find the best legislation. I admire the dedication and the commitment that Mr Patten has brought to this. I don't agree with him on all aspects as we've gone through this, but I believe on most, and I think that's true of all of us. I think on 90% of what we heard and what we talked about we have a common understanding and common agreement, we have a common intent, and I think we even share common concerns with the parliamentary assistant as we go forward. That's an amazing degree of consensus that only comes from people of goodwill working together to do the best for the public in Ontario. I applaud them. I envy them the resources they had to help them through this process—

**Mrs McLeod:** It was only me.

**Ms Lankin:** Oh, it was only Lyn. OK, well I envy you the capacity that you have, Lyn. I appreciate that and I want to say thank you. I think that has contributed greatly to this bill and I hope that I held up my end in this process as well.

I want to thank the clerk's office and legislative counsel, those people who work behind the scenes who don't often get seen: legislative counsel, who sat through all of our hearings, who helped opposition members draft their particular amendments; legislative research, who got sent away on a myriad of research projects during the course of this, trying to answer numerous questions from all of us. I think these people and the clerk himself and his staff did a tremendous job for us.

It has been mentioned that Mr Gilchrist did an admirable job chairing, and that is true, and facilitating the process of subcommittee meetings and agreement about process. I think that was helpful to the process.

Ministry counsel, who I think were under incredible pressure in terms of the initial production of the bill and

in terms of drafting amendments and also dealing with the last-minute negotiations and amendments as we were in clause-by-clause—I thank all of them. I thank them for the time they spent personally briefing me on the legislation and working with myself and the opposition critics and the parliamentary assistant to arrive at a bill.

1750

Now, I did make some comments at the end of clause-by-clause, which, if I had the Hansard from clause-by-clause, if it were ready, I would read into the record here. I'm sure I can't recreate them in their entirety, but I want to take a moment at this time to put directly on the record of the Legislative Assembly my own personal thanks, and I believe the thanks of all the committee members, to Gilbert Sharpe. Gilbert has spent many years as counsel in the Ministry of Health and for the last number of years has been head of the legal department in the Ministry of Health. He has, as I said at the time of clause-by-clause, worked with governments of all three political stripes and ministers of many different dispositions and tempers and has always been someone who made a value-added contribution to our work as legislators and has worked through on this bill. I pay tribute because he, partway through this bill, abandoned ship. No. Gilbert's sitting back there. He didn't. He has gone on to private sector law, but stayed behind and worked with the government and ministry counsel on this bill to see it through to its fruition. He's here this afternoon to see the bill complete third reading.

I suggested at the time that I hope the Ministry of Health had deep pockets so they could continue to bring Gilbert back, because he's going to cost you a heck of a lot more. You had a deal and you didn't know it.

But I know all of us from all parties who have worked with him over the years will miss him very much. The public often doesn't know the contribution people behind the scenes make. There are thousands and thousands of them. Rarely do we have an opportunity to pay tribute. In this case, my thanks to all the ministry counsel, but my particular tribute and thanks to Gilbert, as he leaves public service, for his spirited commitment and for what he has done for many people over the years to provide dedicated service to the public service. We will miss you, Gilbert. I appreciate having that opportunity to put that on the record.

I'm going to wrap up by saying, as I did perhaps on second reading and at the beginning of this, that I find myself in complete agreement with the intent that the parliamentary assistant has set out as the government's intent. I find myself grateful for the way in which the minister has approached having the parliamentary assistant and ministry staff work with the opposition to try to reach the best bill possible. I find myself sorely disappointed that the long arm of the backroom operatives someplace within the government and most obviously, to us, from the Premier's office closed down the possibility to make this the best bill it could have been.

Short of that, the process had many merits. In the end, we will be passing historic legislation about which we

will only find out down the road if we have been able to create the right balance, have been able to set in place a system that will demand that the resources meet the needs out there. We have failed to put those assurances within the legislation, and for that reason I record my dissent. A number of my colleagues will vote with me, but there will be colleagues who will vote in favour of it because, as I have said, the intent is one that all of us as legislators, I believe, see as a common goal.

Again, I appreciate the experience that this bill has provided. My tribute to the parliamentary assistant, and I look forward to working over the next few years to hold the government accountable to ensure that that intent is realized.

**Mr Christopherson:** Let me begin where most of the members have started and finished in terms of the process, and I won't belabour it. It shouldn't become more important than the bill and the issue before us, but I think we do need to underscore—and I would particularly ask the government to listen to the tone, to the level of debate, to the comments that are being offered from this side, because what we're saying to you is the other side of what we say when you ram things through and don't listen to anyone, and that is that this place can work. It is possible for us to work, albeit as three distinct parties, as one body of 103 representatives of the entire population of the province of Ontario. It is possible. This could always have been made better, but I'll tell you, this process was a far sight better than what we're used to around this place. It's so rare that anybody gets an opportunity to say anything, let alone enter into a process where the government acknowledged a willingness and a desire to work with their parliamentary colleagues on the other side of the House, as well as the public, as well as experts in the field. That really is why this place was set up the way it was originally, and although you have to change somewhat with the times, the essence of it is still the same. There are times for us to be partisan, but there are certainly more times than we avail ourselves of where we ought to be working together as one group, and I think that has happened.

It's also very positive, again in terms of a process and in terms of the importance of this law, because at the end of the day we are talking about people's rights and whether or not the state ought to, under certain conditions, intervene and remove those rights, given the fact that in the cases we're talking about here, in many cases no crime has been committed, other than that someone is ill. So this is extremely sensitive, crucially important legislation that we're dealing with here today.

To that end, in closing now, let me just say that I would also compliment my Hamilton colleague, who is the member for Stoney Creek. I just finished heckling him earlier for voting in favour of Bill 74, where I think it's going to do harm to the education system, but I also want to stand in my place and offer up support and recognition and acknowledgement where it's deserved. I think in this case, through you, Speaker, to my friend across the way, you've done an admirable job, Brad, and



I think you've done us proud and our part of the province. A job well done, and thank you for that.

**Hon Robert W. Runciman (Minister of Consumer and Commercial Relations):** He'll put that in his newsletter.

**Mr Christopherson:** My friend the Minister of Consumer and Commercial Relations has said he should put that in his brochure. Now, why would he do that? Where would you get an idea like that, Bob? Anybody who's been around a while will know why Bob has made that comment.

The member for Hamilton Mountain—and not because it's Hamilton necessarily, but because she has a PhD, I believe in psychology, as well as being an MPP, so there's an area of expertise built into this place that has been given a voice and an opportunity, and I think it's helped all of us. My friends from Ottawa Centre and Thunder Bay-Atikokan in the Liberal caucus have played a leading role in this.

Lastly, but certainly most importantly to me, I want to acknowledge my colleague, our deputy leader, our health critic, the member for Beaches-East York. I can tell you, she has done all the work you've seen publicly at committee and in this place and five, 10 times more in the background, usually on her own, doing the research, bringing it to caucus, wrestling with these amendments. So you can appreciate her disappointment when some of these amendments, which she believed sincerely were not partisan in any way and might have actually brought her to this point where she could vote for the bill today, were not adopted and how disappointing for her given the amount of work. I can tell you that she brought it to our caucus in a way that always spoke of building and creating the best kind of legislation we can, not, you know, "How can we stick it to the government on this one?" This was very much meant to be a process of serving the people. It was treated that way in our caucus. I have to imagine that it was treated that way in all of the caucuses.

That's why I think that at the end of day when we take the vote, it's interesting that my colleague—and I'm going to read a quote from her second reading debate, by the way, just before I leave that. She will obviously be voting opposed to it. As much as I appreciate everything she has done, I'm going to vote in favour of the legislation, for reasons that I will outline while I am on my feet. I think that's healthy. I don't say this in a provoking kind of way, but it's a shame that the government almost didn't declare it a free vote, because basically that's what it's turned into in the Liberal caucus and in the NDP caucus. We didn't label it that way, but de facto it became a free vote, because you are going to see at least myself and perhaps one or more who will vote with the government on this and others who will vote opposed.

1800

What's positive about that is that it shows there is a balanced consideration or recognition that there is not an easy answer to this, no clear right and wrong and no

distinction between black and white that allows us to say, "Yes, there's where the angels are on this issue and that's where I'm going to go and stand."

Very much, this is an issue of experience of your heart, of your conscience and what you bring as an MPP, whether you believe this is the right way to go or not. It comes down to a question of, do you believe the glass is half full or half empty? As we all know, that is different between all of us and can change from issue to issue.

I think it's healthy that there won't be necessarily unanimity on this side. I would just say it probably would have been all the more healthy had the government declared it a free vote, in case there are some members of the government who feel similar to my colleague from Beaches-East York.

However, having said that, I want to make reference to the member from East York's last words in second reading. She said, and I quote directly from Hansard: "I commit to my colleagues to continue to work in that manner to try to achieve that"—meaning the best bill possible. "I commit to those who will be most affected by this legislation, those who have lived with mental illness, who are living with mental illness and the family members, to do the very best we can to bring about a law that will work for all those affected and that will strike the right balance between public safety and the right to caring, compassionate and effective treatment."

I suspect that the member for Beaches-East York, in saying this, speaks for all of us in terms of our motivation towards this bill.

Moving to the substantive issue of Bill 68 itself, I don't bring the level of expertise that the parliamentary assistant can now bring to this issue, having spent all of those hours and days and days and weeks immersed in the details of this law and the proposed changes, nor can I reach anywhere near the level of expertise that my colleague from Hamilton Mountain brings to this. But I have had a fair bit of life experience in this regard, to the extent that when I was an alderman in Hamilton I chaired two task forces, one on care for the psychiatrically disabled and another on second-level launching homes, which is of course the evolved, supportive housing that is unregulated—I would remind the government again, and remind all of us, because none of us has been able to wrestle that to the ground—but unregulated supportive housing to actually house those people whom the member for Ottawa Centre referenced when he talked about the deinstitutionalization in the 1970s and early 1980s that took place right across the province.

Specifically in Hamilton, of course, we have the Hamilton Psychiatric Hospital—at least so far we do—which has a much broader catchment area than just the immediate city of Hamilton. Therefore, the demand for these services has been very acute in our community and I think we've evolved into one of the leading communities for dealing with that, recognizing that ours is still nowhere nearly sufficient and yet it's one of the better ones, shared with a few other communities. That again speaks to how much more we have to do in this area.

As the Minister of Correctional Services you're not in that portfolio long before the fact is brought to your attention that anywhere from 30% to 50% of the people in our provincial correctional institutions, in jail, have a history of mental illness. You begin to see the revolving door of people being incarcerated, released into the hospital, released on the streets, back into jail, and it goes on and on. For some people in some families, that cycle, that revolving door, literally goes on for decades, decades of pain, decades of hurt. Certainly, as coroners' inquests and coroners' juries are part of the Solicitor General's portfolio, I've dealt with a lot of them there.

Two more: Like many in this place right here, probably some I'm looking at right now, I have a family member who had a history of mental illness. Beyond the pain it caused my family member, all of that is also spread among the rest of the family. So I've experienced that and I understand it from that perspective.

But probably the strongest thing that I bring to this is the experience, the unfortunate experience, of being the MPP for the Antidormi family. I'm sure people will recall that on March 27, 1997, Zachary Antidormi, the two-and-a-half-year-old son of Tony Antidormi and Lori Triano-Antidormi, was murdered by someone who was ultimately found to be innocent by virtue of not being responsible for their actions.

I don't think we ought to do this just for those extreme cases alone, but we also can't ignore them, by using that same argument. That doesn't give us the legitimate right to say that the huge headline stories can't be factored in. One of the things the jury said at the coroner's inquest, and I quote from their report, which was published in the *Hamilton Spectator* on October 22 of last year, was: "There can be no greater tragedy than the death of an innocent child, especially when it is surrounded by tragic and violent circumstances. It is imperative that the recommendations from this inquest be taken seriously and implemented where feasible in order that the death of this 2½-year-old boy, Zachary Antidormi, is not in vain."

Out of 60 recommendations, recommendation number 27 reads as follows, "The Ministry of Health should study existing mental health legislation including the Health Care Consent Act to consider whether or not legislative changes are required to permit compulsory treatment of individuals with diagnosed mental illness living in the community who do not have the capacity to consent to treatment." We've taken an important step in this regard here today.

It's for all of those personal experiences, and being the MPP for the Antidormi family, that I feel compelled to see the glass as half full with Bill 68. I agree with my colleagues who say it is incumbent upon every one of us, especially in the opposition—you're whipped to do what you're told. I'm voting voluntarily with you, which scares me half to death, but I am voting with you on this. I believe I bear a great responsibility to hold your feet to the fire to make sure that those supports are in place, that the beds are in place, that all of the community services that will make this work and will not turn people who are

ill into victims, are provided. That is my part of the responsibility when I cast my precious vote in favour of this legislation, which I believe at this time is the right thing to do, based on my experience, my family, and representing my constituents.

#### **The Acting Speaker:** Further debate?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** The bill dedicated to the memory of sportscaster Brian Smith was introduced into this House on April 25 of this year. Today, almost two months later, I am pleased to see that this historic bill, this monumental bill, is presented for third reading, hopefully to become law tomorrow.

We are responding to the very strong recommendations of coroners' juries, the expert advice of mental health care professionals and the voices of families who have at times felt very helpless in the face of their loved one's suffering. Across the province, we have heard about the importance of education, public education to fight the stigma of mental illness and specialized training for professionals to meet demands of a new community-based mental health system. There has been much praise for the success of our current education initiatives, which have been very successfully led by Michael Bay, and there has been strong encouragement for us to build on that momentum with further educational initiatives.

We have heard the voices of mental illness talk about the importance of advocacy, of making rights advice more accessible and of improving the process of case review. All of this was vital to our work of creating legislation that would balance the rights of the individual with the safety of our community. We have heard the importance of continuing to invest in mental health initiatives. This government has already committed an additional \$150 million to mental health care and I can assure you that we will continue to make additional investments in the coming months and years.

#### **1810**

The consultation process has been very thorough. It has been widespread and it has provided all of us with a wealth of information and a wide array of perspectives on mental health. I would like to most sincerely and warmly thank all of the individuals and the associations who have participated in the consultations and the committee hearings. Their words and their experiences have improved the legislation before us today.

We've all heard members from all parties talk about the process that was used in the development of this legislation, and I think we all appreciate that as a result of the process that was used and the input we've been able to receive from the other two parties, we really do have a bill which at the end of the day is much better because of the consultation, the compromise and the very thoughtful deliberations that have taken place.

I would like to thank Brian Smith's widow, Alana Kainz, and her family.

I would like to thank Lori and Tony Antidormi, parents of Zachary Antidormi, for their strength, their



calls for action and their support throughout what I know has for them been a very long process.

I would like to also thank most sincerely my colleague Richard Patten for his many, many years of hard work for effective mental health legislative reform. Fortunately, his advocacy and his hard work have paid off, culmination in the legislation we have before us. Thank you very much, Richard.

I'd also like to thank my critics Frances Lankin and Lyn McLeod for their contribution. This has been an outstanding process in that we have been able to discuss, examine and compromise. I know we're all going to continue to do what we can to ensure that this legislation continues to be the best it can be. I would like to thank the members on all sides of the House for the all-party support they gave this bill on second reading.

I would also like to say a very special thank you to our legal counsel at the Ministry of Health, in particular Gilbert Sharpe for the outstanding leadership he has provided on mental health legislation for many, many years. Well done.

Let me say thank you to the other members of the Ministry of Health staff who have worked for more than 18 months to bring this comprehensive vision of community-based mental health care to fruition. I would like to thank in particular my policy assistant Lori Turik for her sincere commitment and dedication to ensuring this legislation could and will be the best it can be.

I want to thank Ontario's chief coroner, Dr Jim Young, for working with us to respond to the recommendations that have been echoed too many times in too many inquests since 1995.

Of course, I want to thank my parliamentary assistant Brad Clark for a job exceptionally well done. He has

been tireless in his efforts to ensure that there has been appropriate consultation. He has been tireless in his efforts throughout the committee hearings to ensure that all voices and all opinions from across this province be heard as we drafted this very important legislation.

Today we have attempted to respond to those needs and to those voices, the voices of individuals who are caught in the storm of mental illness. Today we are starting down the path that will save lives and prevent further tragedies. Today we begin to improve the life prospects for thousands of mentally ill Ontarians who once had nothing to look forward to but life in an institution. Today we take the most significant steps forward in mental health reform in approximately 25 years, with legislation that will shape our vision and our understanding of mental illness for another 25 years and beyond.

In conclusion, let me again express my sincere appreciation to people throughout this province who have participated in the consultations. Let me again thank my colleagues on all sides of the House, and in particular Brad Clark, for a job extremely very well done.

**The Acting Speaker (Mr Michael A. Brown):** In accordance with the agreement of the House earlier today, the question is deemed to have been put on the motion by Mr Clark for third reading of Bill 68. A recorded vote is deemed to have been demanded and the vote is deemed to have been deferred until deferred votes tomorrow.

This House now stands adjourned until 6:45 of the clock.

*The House adjourned at 1816.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Marie (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Beaches-East York	Lankin, Frances (ND)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiques, de la Culture et des Loisirs, ministre déléguée aux Affaires des personnes âgées et à la Condition féminine
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Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		
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Broadview-Greenwood	Churley, Marilyn (ND)		
Bruce-Grey	Murdoch, Bill (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
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Carleton-Gloucester	Coburn, Brian (PC)		
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Durham	O'Toole, John R. (PC)	London North Centre / London-Centre-Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Eglinton-Lawrence	Colle, Mike (L)		
Elgin-Middlesex-London	Peters, Steve (L)	London West / -Ouest	Wood, Bob (PC)
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines	London-Fanshawe	Mazzilli, Frank (PC)
Essex	Crozier, Bruce (L)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Solicitor General / solliciteur général
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of Labour / ministre du Travail	Mississauga Centre / -Centre	<b>Sampson, Hon / L'hon Rob</b> (PC) Minister of Correctional Services / ministre des Services correctionnels
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Etobicoke-Lakeshore	Kells, Morley (PC)	Mississauga East / -Est	DeFaria, Carl (PC)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Mississauga South / -Sud	<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children) / ministre sans portefeuille (Enfance)
Guelph-Wellington	Elliott, Brenda (PC)		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion	Mississauga West / -Ouest	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles
Halton	Chudleigh, Ted (PC)		
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Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	<b>Harris, Hon / L'hon Michael D. (PC)</b> Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim (PC)</b> Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank (PC)</b> Minister without Portfolio / ministre sans portefeuille	St Paul's	Bryant, Michael (L)
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Prince Edward-Hastings	Parsons, Ernie (L)	Wentworth-Burlington	Vacant
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim (PC)</b> Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
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		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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of Ontario  
First Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 20 June 2000

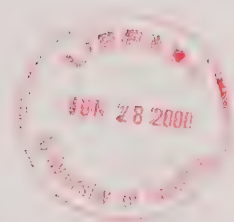
Mardi 20 juin 2000

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
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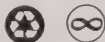
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 20 June 2000

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 20 juin 2000

*The House met at 1845.*

## ORDERS OF THE DAY

### PROFESSIONAL GEOSCIENTISTS ACT, 2000

### LOI DE 2000 SUR LES GÉOSCIENTIFIQUES PROFESSIONNELS

Mr Ouellette, on behalf of Mr Hudak, moved second reading of the following bill:

Bill 86, An Act to establish the Association of Professional Geoscientists of Ontario / Loi visant à établir l'Ordre des géoscientifiques professionnels de l'Ontario.

**Mr Jerry J. Ouellette (Oshawa):** Mr Speaker, is it possible to share my time with myself?

*Interjection.*

**Mr Ouellette:** It was an attempt.

Before we get into that, though, I have to say to Josh and Garrett, don't worry; I won't be home tonight but I will be home to read to you tomorrow night. Josh, I do have the card here that you wrote out for me; thanks. You be good for Mom.

I rise to speak in support of the bill to establish the Association of Professional Geoscientists of Ontario as the governing body for professional geoscientists. I am proud to have had the opportunity to play a role in bringing it to this House and honoured to have worked with a large number of geoscientists, engineers, prospectors, investment and mineral industry personnel and other stakeholders who have made such valuable contributions to the public consultation process which preceded the introduction of this bill.

This bill seeks, first of all, to address the recommendations of the Mining Standards Task Force that was established by the Ontario Securities Commission and the Toronto Stock Exchange following the Bre-X scandal. The key objectives of the bill are to bring Ontario into line with other Canadian provinces in moving to a system of licensing for its geoscientists; to restore public and investor confidence in the province's mining investment environment; to assist the province's mining industry by reinforcing Ontario's reputation as a safe and attractive place for mining investment; and to meet the commitment made to Ontario's geoscientists that the government would help them establish a self-regulating organization

that would enhance their professional standing in mining and environmental geoscience.

To achieve this end, the bill proposes to establish the Association of Professional Geoscientists of Ontario as the governing body for professional geoscientists. The objects of the association include regulating the practice of geoscience, governing its members, establishing standards of knowledge and skills among members, developing and maintaining standards of qualification, practice and professional ethics and promoting mobility of its membership.

Membership in the association will give geoscientists the right to practise professional geoscience that concerns safeguarding the welfare of the public and life, health or property, including the natural environment. The bill also gives us the opportunity to highlight the important role played by geoscientists in the environmental field.

The geoscience practitioners in Ontario dealing with and addressing matters related to environmental geoscience are a diverse group of professionals. They comprise, but are not limited to, hydrogeologists, geochemists, terrain and coastal geomorphologists, geophysicists and exploration and economic geologists. These professional geoscientists provide services to the public, government and business in several areas.

It is apparent from the diverse activities of professional geoscientists that they are involved in many activities affecting public safety and the environment. Geoscientists also work across the spectrum of Ontario's economy, including consulting firms, construction firms, environmental departments in industry, mining companies, oil and gas firms and municipalities as well as provincial and federal government departments.

The mineral exploration and mining sectors are major drivers of the Ontario economy. Mining exploration, development and production alone accounted for more than \$5.4 billion in economic activity in Ontario in 1999. More than 17,000 Ontarians are employed by the industry, averaging a salary of more than \$60,000 a year. Another 65,000 people are indirectly employed as a result of the activity in these sectors.

In terms of mining activity, Ontario ranks second in the world in terms of nickel and cobalt production and third in the world in platinum production. There are over 100 consulting firms in Ontario employing geoscientists and providing geoscience advice and reports to industry, government and the public. It is estimated that approximately 45% of Ontario geoscientists work in or from the mining sector, 35% work in the environmental sector and



20% are employed by various levels of government or in education. The number of geoscientists in Ontario, estimated to be between 3,000 and 4,000, is equivalent to or greater than the memberships of the joint geoscientists/engineers associations of Manitoba, Saskatchewan, New Brunswick and the Northwest Territories.

Geoscience is a very significant discipline in the province. For several years, the Association of Geoscientists of Ontario has been asking the Ontario government to implement a self-regulatory body governing professional geoscience standards and practices. Minister Hudak made a commitment to work with the province's geoscience community to this end and to help the Association of Geoscientists of Ontario consult with people affected by this initiative. The Professional Geoscientists Act is a result of that collaboration and consultation.

The proposed draft legislation was unveiled March 7 at the Mining Millennium 2000 convention in Toronto, where it attracted significant favourable attention from the mining community. This announcement was followed by a consultation period lasting until April 20. The Ministry of Northern Development and Mines posted the text of the proposed draft legislation on the environmental registry and on the MNDM Web site. I conducted public information sessions in Toronto, Ottawa, Thunder Bay, Sudbury and Kirkland Lake, and accepted submissions by mail, e-mail and fax. We encouraged widespread comments on the proposed draft legislation by mailing copies to more than 100 key stakeholder groups, faxing notices of the sessions to any group that might have an interest in the proposed draft legislation and holding information sessions in conjunction with major regional mining industry events. The information sessions drew numerous participants, and a further 75 written submissions were received.

Concerns expressed were generally technical in nature, dealing with the specific provisions of the proposed draft legislation. The proposed draft legislation also received statements of support from the Toronto Stock Exchange, the Association of Geoscientists of Ontario and the Association of Professional Engineers of Ontario. This process has shown that the proposed legislation is welcome and supported by key stakeholder groups. I am pleased to note too that, to my knowledge, the proposed legislation has the support of all parties in the House.

With the passage of this bill, Ontario geoscientists will be able to demonstrate their professional qualifications and status to other jurisdictions, regulators and users of geoscience services outside of Ontario. Ontario geoscientists will be able to meet the requirements under consideration by securities regulators for "qualified persons" for the purpose of reviewing and approving all mineral exploration results intended for public release. In addition, this legislation will protect the public against unskilled and unethical actions.

It recognizes that Ontario is Canada's largest geoscientist community and seeks to enhance Ontario's repu-

tation as a centre of excellence for geoscience, exploration and mining.

Our proposed legislation would reinforce the government's message that Ontario is open for business, that Ontario is ready and able to compete successfully in the global market as the mine financing capital of the world. It enhances Ontario's international competitiveness by showcasing the province's excellence in geoscience while supporting the development and professionalism of the geoscience community.

This proposed legislation provides support for Ontario's geoscientists and geoscience-based companies to compete in international markets. This legislation builds on a wide number of initiatives our government has introduced in support of the minerals sector since 1995. This government is supporting the industry at every stage of the mining process, from prospecting and developing to mine closures and rehabilitation. The minister recently announced that the Ontario government would commit up to \$4 million over three years to support the establishment of a new prospectors' association that will work with the private sector to support grassroots mining exploration in Ontario. The funding is being provided through the Northern Ontario Heritage Fund Corp. This funding demonstrates that the province understands the importance of maintaining prospecting activity at an appropriate level in Ontario so we continue to find new mineral targets that can lead to the discovery of tomorrow's mines.

A month ago, the Minister of Finance tabled a provincial budget, the second consecutive balanced one. That surely is worth its weight in gold to the mining industry. The measures announced provided a huge boost for the mining sector by significantly reducing taxes and increasing incentives for mining in Ontario.

The budget cut the mining tax rate in half, from 20% to 10%, over five years. It provides a 10-year holiday for new remote mines. In addition, after the proposed holiday, the profits from the operation of the remote mine would be taxed at a preferred rate of 5%. That's good news for the people in the north, where jobs are surely needed. The budget further proposes increasing tax incentives to investors in mineral exploration through flow-through shares.

To encourage mineral exploration in Ontario, the province proposes to provide a new flow-through share incentive by offering eligible individual shareholders a bonus deduction of 30% in addition to the 100% currently available in respect of eligible corporate exploration expenses. The bonus deduction would be limited to eligible exploration expenses incurred at the grassroots level.

I echo the words of the minister, who told this House that the proposed legislation supports economic growth and job creation. It tells the world that Ontario is ready and able to participate successfully in global markets, and that Ontario will continue to be regarded as the mine financing capital of the world.

**Mr Michael A. Brown (Algoma-Manitoulin):** Mr Speaker, off the top I'd just inform you that I am sharing my time with the member for Sudbury and the member for Thunder Bay-Superior North.

Just to relieve any kind of concern the parliamentary assistant has, we have indicated before, both by letter and in this Legislature, that the Liberal Party will be supporting this particular initiative.

Bill 86 is the result of quite a bit of work done by not just the Ontario government—and I commend the staff of the Ministry of Northern Development and Mines, particularly the people in the mines section, and the parliamentary assistant, who was good enough to supply us with the briefing to bring us up to speed on this bill. Essentially this bill is about investment. It is about bringing investment dollars into Ontario. So we don't get too carried away, we should recognize that we are not the first province to do this and that Alberta, for example, has done this—I'm not exactly sure of the time frame, but some time ago.

It has come about partially as a result of some unfortunate investment activities in the world market, so to speak. Some people have referred to the Bre-X problem. I am not certain this really does much to deal with the Bre-X situation, seeing as when there's that kind of money involved, you can get any professional to say anything, I suspect. But it is surely important that we have a degree of professionalism and a degree of accountability that can be trusted by the investment community when they are looking at surveys, at validating the prospectus of various junior mining companies, and the seniors, because by doing that, we create the capital flow that provides for exploration, that provides for jobs—good jobs, by the way—that accrue to mining in Ontario.

We would know that most mining in Ontario takes place in northern Ontario, but certainly not all mining. Some time ago, as a matter of fact I believe it would be about 12 years ago, I was on a select committee chaired by my friend Floyd Laughren, the former member from Nickel Belt, and we toured mines throughout Ontario. During that period, we were in mines in southern Ontario. I think altogether we were underground at 12 different sites and were at, I believe, 14 mine sites altogether, where we just toured mills at the other couple. That speaks to how important the mining sector is. Whether it happens to be a salt mine in Windsor or Gode-rich, or a gypsum mine just south of here or wherever, it creates good jobs for Ontarians.

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It's important that the investment community knows that when the core sample comes in and the geologists and the chemists say there's gold in that core sample, there really is gold in that core sample. That is what I suspect this bill is very much about. It's supported by the Ontario Securities Commission; it is supported by the Toronto Stock Exchange; it is supported by those people in financial circles who want to see that when a prospectus comes out on a company, they're not salting the sample, so to speak. That's incredibly important.

I want to praise the good work of the geoscientists in Ontario. For those who don't know, those are basically geologists and chemists. There may be some other scientists involved, but most of them would be geologists or pure chemists. In that group you'll find many specialties, but you will find that about 66% of those folks are not involved in mining whatsoever. They are the environmental people in this province, people we want to know we can rely on, and therefore professional standards and accountability standards are very important to people across Ontario. When we're talking about groundwater, these people would be among the leaders in looking at groundwater samples. That's incredibly important, particularly in the context in which the Legislature speaks today when we think of places like Walkerton and places all across this great province that need to know that the water is pure. I suspect these are the people who are in many of the labs that check these samples.

Having said that, I'm wondering, and I think all members should wonder about how we're encouraging mining in Ontario today. Mining in Ontario today is a very capital-intensive business, but it's also one that relies a great deal on energy. Our mines, like our sawmills and like our pulp mills, consume huge amounts of electrical energy. We're told, and we know, that Ontario Hydro, Hydro One—as my colleague from Renfrew says, "Hydro Won"—is about to raise the electrical bills of these mines, sawmills, pulp mills and paper mills in Ontario by about 20%. I don't think tax incentives will cut it. You don't pay tax unless you make some money. Many of these businesses will be out of money—or out of business. They won't have money. They can't pay their bills.

In a constituency like mine where we have mines, sawmills and pulp and paper mills, we could be spelling disaster by increasing by 20% a fixed cost the company will be able to do virtually nothing about. I don't think that is good for the resource sector of Ontario and it is certainly not good for the job prospects of my constituents or, as a matter of fact, for anybody in Ontario, to see these companies go out of business.

We know that the Ministry of Mines itself has cut back on the number of staff they have by about a third since this government took office. You would know, Mr Speaker, that without the competent staff on the ground, the Ministry of Northern Development and Mines is often unable to assist companies and individuals who are attempting to get into business, trying to make a living. They used to be of more assistance than they are today. Again we hear "self-regulation," we hear "a change in regulations," but often that's code for just abdicating our responsibilities. That is, unfortunately, what has been happening.

When we look at the government's record on northern development, what do we know? We know that unemployment rates in northern Ontario are far higher than they are in the rest of the province. A couple of weeks ago we had a real estate group that was coming around visiting members, and I happened to see people from my



own constituency, some people from Sudbury, and some people from Sault Ste Marie. What are we finding? In all those markets housing prices have dropped. Why have they dropped? They've dropped because of an outflow of population. They've dropped because people can't find good jobs in those communities. It's one of the great indicators of what really is going on in northern Ontario. You cannot find housing prices going up anywhere. I'm sure my colleagues would tell me that it's true in Thunder Bay also, in Timmins, in North Bay.

Why is that? Because we have decided, in our wisdom, to centralize all power in Toronto, to bring the civil service to Toronto, to take it from places like the Ministry of Northern Development in Sudbury and bring, if you can imagine, the Deputy Minister of Northern Development from northern Ontario and put him in southern Ontario. That makes a lot of sense. And of course the staff of the ministry followed, or many of them. When that happened, some of the stabilization that a former government had initiated in terms of, not employing more civil servants, but employing the same number but locating them around the province rather than believing that Toronto is the only place you could work and breathe in this province—that provided some stability through the northern part of the province and particularly in the cities.

We've done the same thing as we've gutted MNR. About 40% of their employees are gone. If you talk to people in Blind River, we know that most of the folks in natural resources there are gone. We know that the natural resources people in Espanola have been downsized. There are some left, but most of them are gone. The same could be said for Chapleau, the same could be said for Wawa, the same could be said anywhere—pick a community in northern Ontario.

The small communities I represent—I represent 86,000 square kilometres but only 78,000 people. Sometimes I think I maybe have more moose than people. I'm not sure; we'll have to count. But I do know that the small communities of northern Ontario are severely impacted by taking out the few government jobs that existed, whether they be with natural resources, northern development, the OPP. Maybe they were a schoolteacher. We're losing I don't know how many of our schoolteachers across the riding, but over time we've lost 10%, 15%, 20% of our schoolteachers. That's a real problem to this constituency. It destabilizes the smaller economies across all of the North Shore.

While this present bill may bring some additional investment, or at least hold stable our ability to compete for capital in this province, certainly it is not making up for a government that has totally abdicated its responsibilities for northern Ontario.

For example, the Ministry of Northern Development and Mines at one time not so long ago believed that small northern communities deserved and should have air service. That was something that was fundamental. It was not invented by Liberals. It wasn't invented by New Democrats. If anybody could take credit, it would prob-

ably be a Conservative government that decided that northern Ontario would provide service across northern Ontario. I looked today. We have lost, in my constituency alone—so far two airports have no service that once did, that being Elliot Lake and Gore Bay. We know that Chapleau and Wawa and Manitouwadge are all having difficulty maintaining their air service, and I'm not certain how long they will be able to last. If you're a business traveller, a miner, an investor who wants to look at a particular site, you will have great difficulty in finding public transportation to the communities I represent, and that is a huge problem.

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It's time for government to say that the northern remote—relatively remote, anyway; some of them are pretty remote—communities need to have the same access or at least some access to air service. For example, I represent Manitouwadge. That is a four-hour drive no matter where you drive from. If you fly into Thunder Bay, it's four hours to Manitouwadge. If you fly into Sault Ste Marie, you're really doing well to do it in four hours. So there needs to be some responsibility taken on the other side to believe that northerners deserve to have those services.

**Mr John Gerretsen (Kingston and the Islands):** How about those health travel grants?

**Mr Brown:** I'm happy that the member for Kingston and the Islands has raised again in this Legislature the issue of northern health travel grants. As you would know, Mr Speaker, and members of the House, I've been reading petitions on a daily basis. My constituents have felt very strongly about this issue. They have signed petitions in Hornepayne, they have signed petitions in Manitouwadge, they have signed petitions in Gore Bay, they have signed petitions in Little Current, Espanola, Elliot Lake, Blind River—the list goes on of the communities I serve. They cannot understand why if you go north to receive your treatment, your expenses are all covered; if you come south, you get a mileage allowance. That is incredible, it is grossly unfair, and my constituents believe it. They believe that it's not just for cancer care. They believe it is necessary that this province, if it cannot provide those services close to home, must make sure it's accessible to people. To make sure those services are accessible to people, for many folks that means we are going to have to help them with their travel expenses. We do it for southerners who need cancer care. We need to do it for northerners who need care in southern Ontario for various procedures.

Right now the battle is about cancer. It's the easiest one to demonstrate because the differential is so grossly apparent to all who would see it. Particularly in Hornepayne I've heard a tremendous amount about this issue. The people at the legion in Hornepayne worked very hard to make sure we had a large number of people who have signed the petitions.

The second thing I want to talk about when we talk about keeping people in the north is that many of our communities are demographically very old. It makes

sense. If you're dragging the young people out of them, you will have older people left. Demographically, whether you look at Manitoulin Island, at the great retirement community of Elliot Lake or at the communities all down the North Shore, the numbers are all demographically old. That means we need long-term-care beds. Mr Speaker, I know that you as a northerner would be particularly interested to know that Espanola was just denied long-term-care beds. They asked for 34 beds, and we got a letter back from the minister—I lobbied the minister. I received a letter back from the minister, and she said—you will find this pretty hard to believe—that Espanola General Hospital did not rank among the highest proposals in the district of Algoma. That's what she said. Everybody knows—maybe not everybody, because apparently the Minister of Health didn't know—that Espanola is in the district of Sudbury, always has been. Maybe she had a map out. I think back in about 1900 it was part of Algoma, but in the last century it has always been in Sudbury. They compared it in the wrong district.

**Mr Michael Gravelle (Thunder Bay-Superior North):** That's unbelievable.

**Mr Brown:** My friend says its unbelievable, and I agree.

The minister said, "I'll fix the letter so it says Sudbury." I said: "I don't want you to fix the letter. I want the 34 beds." The problem, even in that allocation, is that the ministry did not see fit to allocate one single bed in the district of Sudbury-Manitoulin to the rural area. In other words, all the beds allocated were in the city of Sudbury—none, zero, nada, out in the district of Manitoulin or in the district of Sudbury itself. And there are lots of folks out there. The waiting list at Espanola General is far longer than the number of beds they have now.

I'm telling you, we have a government that I think believes the north is a colony. They treat us as a colony. Every once in a while they pay a little bit of attention here or there, but frankly, they don't even know where we live. Perhaps it would be good for many of the government members, and obviously the Minister of Health, to come on a little tour with me and to jaunt around. I was going to take the Minister of Education a while ago. Maybe we'll get a carload and we can drive through just my part of the northeast, just the 86,000 square kilometres I try to represent.

**Mr Gerretsen:** You said 86,000 square kilometres?

**Mr Brown:** Yes. It's 1,000 kilometres and then roughly about the distance from Windsor to Quebec City. It's a reasonable day's drive, to say the least.

We support the government on this particular initiative. It's an initiative that Alberta dealt with some time ago. It will help the northern economy. It will help the geoscientists. It will help the chemists. It will help the geologists and other sciences directly related. In saying we support this, there is much over there to do, and I suspect I'll need to give you another list.

**Mr Gravelle:** I'm glad to have a few moments this evening to speak about Bill 86, the Professional Geo-

scientists Act. Like my colleagues, I'm very much in support of this bill. It really is something that needs to happen, and I think it will make a positive difference.

My colleague from Algoma-Manitoulin made very clear some of the values of the legislation. One thing he didn't mention, but I'm sure he would have, was that it certainly has the support of investors, the geoscientist community and the investment community, including the Toronto Stock Exchange and the Ontario Securities Commission, but I think also some environmentalists actually have got some support for this legislation. Of course many of them have concerns about mining and its effects on the environment, but they've also expressed some support for this, and I think that's worth noting.

It's hoped and expected that this legislation will increase transparency and coherency throughout the profession, and therefore I think it creates the potential for sound environmental practices. That's an important point to make and I'm glad to be in support of this legislation as well.

I also want to use the time I have this evening as an opportunity to discuss some of the issues that affect northern Ontario. This legislation will have an impact, and we think a positive impact, but there are so many other issues that I hope the Minister of Northern Development and Mines and all the other ministers will become conscious of perhaps not quite doing the job the way it needs to be done. We've got some real concerns. Also, because we're nearing the end of the spring session and we may not have an opportunity to talk about a lot of the issues, I want to have a chance to bring some of those up this evening because time is running out and I haven't had that opportunity in this session.

There are a number of issues. My colleague made reference to the northern health travel grant. It is something that certainly every northern member, and I think all our caucus now, understands we really need to have some absolute changes in. It's become very clear in this Legislature and certainly throughout the province that the practice now in place of southern Ontario cancer patients being given full funding to come to the north while those patients in northern Ontario who are suffering from cancer and other illnesses are limited to simply a mileage allowance is really, truly discriminatory.

It has been our contention for some time, Mr Speaker, and I know you share some of those concerns, that indeed there needs to be a vast improvement and very large change in the northern health travel grant itself. It was brought into place by the Liberal government in 1987, with strong support from the New Democrats. That program was put in place because the services weren't in place for northerners in terms of medical care and they needed to travel outside their communities, often to Toronto, to get care. But that travel grant program has not changed one bit since then. In fact, it's gone backwards in terms of helping people with their extraordinary costs.



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Every one of us in the north has had example upon example of people who have come before us in some very tragic circumstances and told the story of what they've had to do and the money they've had to spend to care for their loved ones or themselves. We have been on a campaign for a very long time to try to get the minister to recognize that this is unfair. I have so many examples within my own riding. For example, if you live in Marathon, Ontario, and you need to get to Toronto for medical care, very frequently what you will do is travel to Thunder Bay, which is 300 kilometres west, and you will fly down to Toronto. That's the way to get there if you're not able to drive down to Toronto. But you'll only be given the mileage allowance, small as it is, from Marathon to Toronto. In other words, you're punished for living in Marathon. You're only given the mileage allowance from Marathon east to Toronto. The fact is that even though it's very clear that most people have to travel by this method—Marathon to Thunder Bay, Thunder Bay in the air—they're not able to receive the benefit for that. We need that kind of flexibility put into the northern health travel grant program. We expect that people, regardless of what their illness is, need to be properly looked after financially if they're not able to receive the care in their own community.

My colleagues and I have been reading petitions virtually every day in this Legislature—I don't think that's remotely an exaggeration—since the fall, asking for the minister to look at it. She has said that indeed she will review that. My colleague from Sudbury was speaking in the Legislature today about the inequitable treatment of cancer patients. This is something that has to be fixed. It just absolutely has to be fixed. It's extraordinarily wrong and discriminatory.

But the entire plan needs to be changed. The minister has said she'll review it. She said she'll have that review done by the end of June. I want to hold her to her word. We worked very hard. She turned us down several times when we asked for a review. I also want to hope that she wouldn't play games with us, that she wouldn't say she'll do a review, that indeed she was absolutely serious about this review bringing about some real changes. I've asked her those questions. I wrote her a letter and said those things.

**Mr Rick Bartolucci (Sudbury):** Did she respond?

**Mr Gravelle:** She hasn't responded back to me yet. I wrote her a letter and said, "Minister, please confirm that this is a serious review," with a number of qualifications in it: "Will people be able to recommend that changes be put forward? Will they be able to recommend financial changes to the program?" She has not responded, which gives me some concern, but I'm going to hold her to her word, which is that it's a serious review of the program. That's an issue that's very important.

Another issue that's incredibly important to people in my riding is a restructuring process that's going on right now affecting the communities of Beardmore, Geraldton, Longlac and Nakina, and many unorganized communities

including Jellicoe and Caramat. Speaker, I know you understand that riding, but not everybody in the Legislature does. There's a massive mileage difference between these communities. The Minister of Municipal Affairs wants to turn that into one community, one municipality called Greenstone. This is a very contentious issue. There are some people in those communities who do want this to go forward. I have objected to it from the very beginning. It is so extraordinarily wrong to have a community of that size. If you placed it on a map of southern Ontario, you'd be looking at a municipality that stretches from Barrie to North Bay. That's a large municipality. It wouldn't even be considered down here. It's wrong.

So you have Beardmore. Then you have another 80 kilometres to Geraldton, and then you have another 60 kilometres to Nakina and another 40 kilometres to Longlac. These are all communities that have done extremely well on their own and they're fighting back into prosperity with some extraordinary stories. This amalgamation was put in place because the ministry said it would save money. It has now become absolutely crystal clear that there will be no savings at all for the municipalities.

**Mr Bartolucci:** They're going to go ahead with it?

**Mr Gravelle:** They're insisting on going ahead with it. I hope I get an opportunity in the Legislature—I think I will tomorrow—to at least go to the minister and propose to him that he really relook at this. There are legal cases involving this. There's extraordinary division within these communities. These communities that have worked so well together for years are now having a very difficult time working together because of the argument over whether or not this is going to take place. I'll tell you, it's not going to save money. Even the proponents of the amalgamation acknowledge the \$1 million in savings isn't there. The minister should acknowledge that, because that's why he says it should go forward, and ironically enough, the new municipal council of Greenstone, if it does go forward, will actually cost more to the taxpayers than the four municipalities combined cost right now, the reason being they're recommending higher salaries for the mayor and the councillors, but also the travel expenses will be extraordinary.

I really do hope the minister will relook at this. There are going to be challenges before the Supreme Court. There are going to be so many situations where the minister should literally have a stay on the proceedings until the Supreme Court rules, and I can tell you that the municipalities of Beardmore, Nakina and Longlac are asking for that. This is something that should not be in place. The identity of those communities will be lost. They're quite prepared to have a new restructuring commission come forward and do a different restructuring that may meet the goals of the ministry, but unfortunately at this stage the minister doesn't seem to want to co-operate or talk to them about that.

That's a huge issue, a highly sensitive one, and I won't pretend for a second that it isn't causing me some concern too, because not everybody agrees with my position

on it, but I will say that from the very beginning of this process back in 1996, and long before I was even the official member of this riding, I objected to it, because I see the government using it as an opportunity to download more services on to municipalities; in fact, I think that's exactly why they're doing it, so that they can download more roads on to our communities, more services on to the communities, and I think those who think this will profit them are sadly mistaken. I feel very strongly about that.

Another issue which was referred to as well by my colleague from Algoma-Manitoulin is the whole issue of long-term-care beds. I can tell you that in the Thunder Bay district, which is a huge district, the minister allocated 196 new long-term-care beds over eight years. She announced this two years ago. The waiting list was 400 at the time, so the actual number being allocated was incredibly short of the number that was needed. The 196 have now been allocated, all to Thunder Bay, and for the community of Thunder Bay this is good news, but it saddens me that in the riding that I represent in the region, from Nipigon to Marathon and Nipigon up to Longlac and Nakina, there are no long-term-care beds. Nipigon General Hospital very much tried to get at least six long-term-care beds and was turned down. I think that's unfortunate. I hope the minister will look at that, because it doesn't seem fair that you have no new long-term-care beds available in the region.

That ties into another issue that I want to make reference to, and that is the one of Birchwood Terrace in Terrace Bay, which used to be a beautiful home for the aged. Kimberly-Clark, the forest products company which is the major employer in Terrace Bay and just a great corporate citizen in that community, gave this beautiful building which was originally theirs to the province in 1974. It's a gorgeous place, a good size, overlooking Lake Superior, just beautiful, overlooking McCausland Hospital. They gave this to the province for \$1 so it could be used as a home for the aged.

As we began the process of downsizing the homes-for-the-aged situation in the Thunder Bay district, Birchwood Terrace closed, no longer a home for the aged. No longer could people in Terrace Bay and Schreiber have a place to go. But the community rose to the occasion and said: "We're going to take Birchwood Terrace and we're going to turn it into a seniors' residence. We're going to turn it into a special health care centre." They very much wanted to do that, and I think it's a tremendous idea. The McCausland Hospital was quite prepared to move forward with this. The only problem was, the province wanted to sell it at market value. Here's a province that received—

#### *Interjection.*

**Mr Gravelle:** Absolutely true. Here is a province that received this from Kimberly-Clark in 1974, and I got the plaque and I showed it in the House, for \$1, just for legal purposes—it was free—and the province said, "You can have it, but it's going to cost you market value."

This is something we've been battling for some time. Here's a community and a region—we're talking Terrace Bay, Schreiber, Rossport. People deserve to be able to stay in their community. It's a beautiful part of my riding. They were insisting on selling it back at market value. I will say now, after a long story, the municipality and the hospital said: "Okay, we'll do it, we want it so badly. We want to get it."

Now there are further problems in terms of asbestos in the building, and we're battling to make sure that is looked after—by the Ontario Realty Corp, may I say—before they actually take on the building. That's a big issue, an important one, and one that is of a great deal of concern to me.

I certainly could go on all evening, but I know the member for Sudbury wouldn't like that, so I'll try to speed through a few other points here before I give up my time.

There's a new corporation which the member for Sudbury will know about, called the Northern Ontario Marketing Corp, which is this large body which has been designated as the agency that's going to coordinate all the tourism marketing across the province. I've got some real concerns with this corporation, although in principle it sounds like it could be a pretty good concept.

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What happened last week was that they unveiled the map of northern Ontario which is used for tourism purposes. There are lots of them; there are 300,000 of them. It costs a fair amount of money to do. The map comes out, and I appreciate it's not a road map, but what do they do? They leave Schreiber off the map; they leave Red Rock off the map; they leave Beardmore off the map. It's astonishing to me. Then there's Ouimet Canyon, which is one of the truly great tourism treasures of this province. I'll tell anybody they should go and see it. It's 45 kilometres northeast of Thunder Bay, on the way to Nipigon; a gorgeous thing, not on the map. The communities of Schreiber, Red Rock and Beardmore—that upsets me as their provincial member, but I'll tell you, the communities weren't happy with that. So they truly need to correct that.

In that sort of tourism vein, I was speaking this afternoon to Levina Collins. She's a remarkable woman who has done some extraordinary things in Nipigon over the years, a great volunteer, and has worked with the Nipigon hospital and is probably more active than ever now. She's involved with the Nipigon economic development and tourism office trying to revitalize tourism in that area. She indicated to me that they are desperately trying to, first of all, get some money so the snowmobile club in Nipigon can build the infrastructure and the trails that are needed. So I'm hoping we can continue to persuade the minister and the ministry that we need some real funding for precise infrastructure in those areas.

But she also made reference to the issue of rest stops and signage. I'll tell you, Speaker, and again I think you'll relate to it, the whole issue of signage is one that I have been on about. In my previous life, before I was a



provincial member, I was the coordinator of what were called northern development councils, put together by René Fontaine, the former Minister of Northern Affairs and Mines, who was the creator of the northern Ontario heritage fund. He put together these councils which were an advisory board reporting directly to the minister, Mr Fontaine, and I was the coordinator of them.

We would go around the north and have these groups. Every community had a representative. It was a great thing. I've always told the Minister of Northern Development and Mines today, "Bring the northern development councils back." They're a great way to get grassroots information back from the people and to get really good advice from northerners.

Anyway, the issue that was frequently most prominent was the issue of signage and the poor signage in the north. When I was talking to Levina Collins earlier, she was saying that she has written to the Ministry of Transportation in Thunder Bay, asking them to help with some signage on the way into Nipigon, because the tourism office which they now have, and they are keeping it open 12 months of the year, which is pretty remarkable, is not well signed at all. I've always thought the ministry could do a much better job and the province could do a much better job on signage. One tends to compare it to the United States, which isn't fair, but they seem to do such a superior job in terms of alerting people to things, including rest stop areas. We need more rest stop areas. When I was on my transportation tour this past couple of months and I went into a lot of the communities in my riding, the whole issue of more rest stops and more attractive rest stops came up.

As much as these perhaps don't seem like earth-shaking issues, they mean a lot to people. In the case of the Nipigon economic development and tourism office, they need some help. They're doing this almost totally with volunteers. Nipigon is basically 100 kilometres from Thunder Bay; it's at the crossroads of Highways 11 and 17, the crossroads almost literally in the middle of this great country of ours. They need some support and some help. So I hope the Minister of Transportation and his people in Thunder Bay will work with Ms Collins and her board and the volunteers who are working so hard to try to make that happen.

One other issue I will quickly get to—and there are so many others; road construction in northwestern Ontario and some other issues as well. I'd love to talk about road maintenance and privatization. Perhaps I'll have a chance at another time, maybe tomorrow afternoon when there's some legislation being brought forward related to mandatory branding of vehicles. But there is one other one I will quickly get to, and that is the fact that many municipalities in northwestern Ontario and in my riding, of course, have their volunteer fire departments and their emergency vehicles, their fire trucks, and they do a remarkable job. I think we all know that. What's important to understand is that frequently when there are accidents or occurrences on the highway outside their own boundaries, they go out there and help them. They

go outside their own municipalities to deliver the service. This is something that I think—I hope—the province appreciates. It's certainly something the federal government does, because they have helped contribute to the buying of their equipment. But the province so far has not agreed to help with the capital replacement of these vehicles, and I think that's something we need to work on very closely. Certainly the towns of Marathon and Schreiber have been working with me on this a great deal. They've been trying to get the ministry and the province to put some support into the capital replacement of these emergency vehicles. It has to happen. I very much want to see that they do that. To be fair, the minister has written and suggested that they get a joint meeting together with the federal and provincial government people and have all kinds of other discussions, but it sounds like they are not really prepared to put forward money. They should. That's something I want to continue to work towards.

I will wrap up. I know my colleague from Sudbury has lots to say as well. In essence, to sum up, I am in support of Bill 86 and am grateful that I've had the opportunity to make some other remarks related to my constituency tonight.

**Mr Bartolucci:** I am happy to be able to share some time with the members for Algoma-Manitoulin and Thunder Bay-Superior North. They've covered a variety of northern issues. For the next little while I'm going to try to concentrate a little bit on Bill 86, because I believe it has some profound implications with regard to the environment and with regard to the financial services sector as well.

We all remember the Bre-X scandal. We know that Bill 86, the Professional Geoscientists Act, is very important as it evolves to ensure that another Bre-X scandal cannot happen and that safeguards are in place. I think it's important from that perspective.

I also think it's important because the bill is going to allow for a self-regulating association, equipped with all the necessary tools to restrict its membership, to sanction abuses and to deal with its own. The geoscientists, and some of them are in the audience tonight, deserve that.

The College of Teachers, though, is an example of how this government sometimes has a tendency—I don't want to say to "screw up" because that's not proper—to mess up what sounds like something good. There's no question that those of us who are in the House know there is a protest going on outside; we can hear it. It's a protest made up of parents, students, trustees, teachers and principals who are concerned about Bill 74. I would suggest to the geoscientists who are in the room: Be very careful what this government says to you with regard to your college. We'll call it a college, because everyone in this province understands the College of Teachers. They also understand that it is not controlled by teachers. You want to make sure you have in fact a self-regulating organization. You should demand that of the government and ensure that it happens.

I know the geoscientists agree with this legislation. The reason, in part, that I'm speaking in support of it is because I am convinced the geoscientists out there have read it carefully and understand the implications of this government. Be careful, though, because you're going to be allowed to make regulations to govern your association, but so will the government. You can ask many people in Ontario, many associations in Ontario, with regard to the legislation this government has passed in the past, how they have come back to haunt them with their regulations.

The association will be composed of a council, as you know. I want to refer for the next few minutes to another council the government established, and that's called Cancer Care Ontario. Cancer Care Ontario works through eight Cancer Care Ontario regional outlets, very similar to what's going to happen with the geoscientists. I want to tell the geoscientists in the gallery tonight that Cancer Care Ontario's regionalization sounded like an excellent idea; in fact, was an excellent idea. But let me tell you, don't disagree with the main body, with the government, because if you disagree with the government—for example, I want to highlight the case of Gerry Lougheed Jr, who was the chair of Cancer Care Ontario, northeast region. He spoke out against the government, against a government policy that clearly discriminates between cancer patients who have to travel from the north to the south, as opposed to cancer patients who have to travel from the south to other areas, whether that be in the United States, Thunder Bay or Sudbury. He spoke out because he's a passionate advocate for equal cancer care for all cancer victims. My friends the geoscientists who are here this evening, he was not reappointed. He was fired. He was fired because he dared to speak out against a government that had a health care policy that was clearly discriminatory.

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So I would caution the geoscientists, be prepared, have the resolve to assess the issues that you believe are right and to fight for them in the face of a government that will try to beat you up if you disagree with them. But I know some geoscientists in Sudbury, and I'm telling you, they're very concerned with the policies of this government. They're very concerned with the policies of this government with regard to health care and with regard to the treatment of cancer patients. They tried to silence the voice of Gerry Lougheed, but they cannot silence the cause for which Gerry Lougheed fights. Yesterday a remarkable event took place down here. There was a press conference with Gerry Lougheed Jr, with a cancer victim from the Sudbury region—from Capreol, where Ms Martel is from—and with the husband of a cancer patient, René Boucher. They gave compelling arguments to this government on why they should right the wrong.

I want you as geoscientists to understand that you will have to make those compelling arguments too, when you see the government is trying to tamper with the legislation that you're going to agree with. Have the resolve and have the commitment to want to stand up, to stand

up, to be counted and to convince the government that in fact they're wrong when they try to tamper with your legislation.

Those three participants at the news conference did that yesterday. They established a new committee. The committee is called Ontarians Seeking Equal Cancer Care, OSECC—it's a great acronym. These people are committed to seeking justice in this health care apartheid policy that must go because it clearly discriminates against northerners.

This bill, Bill 86, has a great deal to do with northern Ontario. Our resource-based economy depends on good geoscientists. I guess this bill is important, but so is a fair and equitable cancer program important. That's why Gerry Lougheed Jr, Janice Skinner and René Boucher established the OSECC committee. This committee isn't fooling around. They already have a 1-800 number. It's 1-800-461-0159. If you're interested in joining, you dial this toll-free number and join up. You can phone any time of the day. It's a 1-800 number. We want to hear, OSECC wants to hear, from people all across this province who believe that there should be equitable and fair treatment for all cancer patients.

I hope the geoscientists who are in the room tonight don't have to do what Gerry Lougheed is doing. I hope this government will treat geoscientists and their cause equally. They didn't do that with cancer patients in the north. They didn't do that with cancer patients in Ontario. That's why we have to establish the OSECC committee.

They're not fooling around. They've already got T-shirts. I can't show the T-shirt, because it's out of order, but I can read from it. The T-shirt says: "Cancer tumours don't know the meaning of 're-referral.'" Northern cancer patients know there should be fair and equal travel funding. At the bottom there's the acronym AMEN. You might want to know what AMEN means. This AMEN program was done by the same person who is heading up the OSECC committee. I'll tell you, he is going to be as successful with the OSECC plan as he was when it came to equal funding for Catholic education. He headed up the provincial student revolt, if you will, the provincial voice for Catholic students who believe there must be equal funding now.

The government has picked a very formidable opponent in Gerry Lougheed Jr. He is without a doubt the most knowledgeable volunteer on cancer issues in the entire province of Ontario, committed to the cause of treatment because of a personal experience where he almost lost his mother and when he had to travel from Sudbury to Toronto. I believe that you, the geoscientists from northern Ontario, may have to do the same thing. You may have to travel the full length of this province to fight for what you believe in, to ensure that your cause is guarded and is protected, as Gerry Lougheed Jr is doing in the establishment of the OSECC committee. It is an issue that is extremely important for all people in Ontario.

I hope the geoscientists don't have to conduct a poll, like Gerry Lougheed Jr and the OSECC committee had to, to try to convince this government that their policies



are wrong. I'm going to tell the geoscientists in the audience—because you may have to do it—they commissioned Oracle Research to conduct a poll across the province of Ontario, 500 respondents from all areas, and the results were amazing: 92% of the people across Ontario said there should be equal treatment for all cancer patients, regardless of where their home address is. I hope the geoscientists don't have to do that. I hope the geoscientists don't have to be put through the absolute embarrassment that northern Ontario has been put through by this government with their health care apartheid.

So I truly hope that this legislation, Bill 86, will meet your needs, that the government will not place regulations that are cumbersome and burdensome to you. Be aware of that. Be prepared that you may have to fight to ensure that Bill 86 meets your needs. Cancer Care Ontario Regional-Northeast is prepared to fight. There are members still remaining on that board—we don't know for how long—who are prepared to ask this government for answers to resolutions passed at their meeting last Friday that said, "Full explanation as to the reasons why the chair of the CCOR Northeast, the vice-chair of Cancer Care Ontario, Gerry Loughheed, wasn't reappointed."

There are so many other issues that I would like to spend some time on, but I know my colleague Mr Ramsay wanted an opportunity to say a few words, so I just want to repeat, if you're interested in joining OSECC, the 1-800 number is 1-800-461-0159. They're waiting for your phone call. The cause is right. We must convince this government, as the AMEN group convinced the government with equal funding, that their policy is wrong, their policy with regard to cancer patients is wrong, and that we collectively will make this government change its discriminatory policies.

I wish the geoscientists in the audience well. I hope the legislation meets your expectations, and, please, like Gerry Loughheed, don't be afraid to challenge this government when it doesn't meet your expectations.

1950

**Mr David Ramsay (Timiskaming-Cochrane):** I very much appreciate the member for Sudbury, Mr Bartolucci, giving some of his time up to me tonight. I actually had planned a very different speech tonight, to talk about many of the same concerns that the member for Sudbury has been working hard on, as I am, with the unequal treatment of cancer care in this province and the assistance that the government gives to patients in northern Ontario versus those in the south who have to travel out of their regions for cancer care.

As you know, events turn very quickly in this business, and a very innocuous government member's question, from Thornhill, actually, this afternoon to the Minister of the Environment I think is going to light a firestorm in northern Ontario, especially in my part of the world, and also in the city of Toronto tomorrow. The minister said that if the city of Toronto wishes to extend the life of the Keele Valley landfill beyond 2002, when it

initially felt it would be in a position to complete that dump and close it, with the brand new proposal that they came out with Monday this Harris government would now get back into the business of municipal waste and pass legislation forbidding the city of Toronto to extend the life of that dump.

This is with the city of Toronto-owned dump in Vaughan, which has a certificate of approval to accept a certain quantity, so many millions of tonnes more garbage. What they want to do is just extend the length of time of that dump; not put any more garbage in than they have been licensed to, but to extend the time so that Toronto can embrace a 21st century solution for garbage disposal, get into some of the wet-dry separation diversion programs that are very progressive and that other progressive cities in North America are getting into. Guelph is one of the leaders in North America in that; then for residual waste, what's left at the end of all these diversion programs, to get into some of these new high-tech solutions to getting rid of that so that we never again would have to put residual waste into the ground, with the resulting contamination of groundwater as has happened in every landfill that exists today.

It's really ironic that the same people who have engineered the Adams mine proposal south of Kirkland Lake are the very same people who engineered North Bay—two years ago, a brand new state-of-the-art landfill and, lo and behold, it's leaking like a sieve. It's leaking much faster than anybody believed. The communities around North Bay in the Premier's riding are very upset about that. Toronto wants to find a good solution for that, and they've been working very hard and they're looking at trying to buy some time because maybe they haven't made some progressive decisions in the past and they realize they've got to really find a good, permanent, high-tech solution for this that's environmentally sustainable.

For this government to state today—and that's going to be in an article in the *Globe* and *Mail* tomorrow morning—that it is going to block the city of Toronto's plan to extend the life of Keele Valley, not to extend the tonnage that goes in there but to extend it chronologically for a few more years, and interfere with that municipal process when Mike Harris killed a bill from the previous government to say that it's a municipal issue—they have let Toronto go this far, but now the city of Toronto is not choosing Mike Harris's best friend's proposal so this best friend will get rich. The biggest patronage program you'd ever want to see in this province is the Adams mine, because it's Mike Harris's friends, it's Tories all the way through this, with a whole consortium of companies, and they're now going to step into this.

I am absolutely flabbergasted with the about-face of this government, that they're going to step in and over-rule Toronto in managing its own dump within its certificate of approval because they don't want the garbage to go for a few more years in the 905 region, in Thornhill and Vaughan, because of the power of Al Palladini in this government and the other people in the 905 areas north of Toronto, and he's going to interfere with this.

I hope Toronto gets their hackles up on this. They're thinking of separating anyway. If there was ever a cause they've given to Toronto, this may be it. There are a hundred quotes of Harris saying: "Garbage is a municipal issue. We're going to scrap the process the former Liberal government brought in and that the NDP government legislated. We'll let the municipalities decide." They're that close to the decision now, and this government as of today has said—and it's in the *Globe and Mail* tomorrow—"We're jumping into this and we're going to forbid Toronto to extend the life of that dump," just so the garbage comes to my riding and benefits Mike Harris's best friend, whose name is Mr Gordon McGuinty, from North Bay. They have been golfing buddies for years and years. It's a scheme to make that guy rich. I'll tell you, we're going to stop that effing garbage; we're going to be stopping it. My folks, the farmers, were on the tracks last week, and I'll be with them. That garbage ain't coming to my riding.

**Mr Ouellette:** On a point of order, Mr Speaker: In light of the agreement, I thought it would be appropriate to mention that this evening in the gallery with us we have Bill Pearson, who is the president of the AGO, as well as John Bowlby, who is the vice-president of the AGO, to hear the debate.

**The Acting Speaker (Mr Tony Martin):** There being no questions and comments, further debate?

**Ms Shelley Martel (Nickel Belt):** It's a pleasure for me to participate in the debate tonight on Bill 86. I want to first of all, in terms of starting out the debate, thank the two members from the association who are here this evening who have taken time out of their busy schedules to come and see how we operate. I'm not sure if you're impressed or not so far. I guess I'll wait till after to ask you that question.

I also want to thank two people who aren't here but who in the last couple of days actually did contact me to express their support for the bill and provided some useful information. They are Deborah McCombe, who works for the Ontario Securities Commission, and Maureen Jensen, who is the director of mining services at the Toronto Stock Exchange. I should say that I had the pleasure of working with Maureen Jensen when I was Minister of Mines. She was very capable then and is very capable now. I appreciate that the two of them took some time to call me and express their support and gave me some reasons why they thought it should be supported and also provided some information that I did not have.

As we deal with the bill tonight, we are dealing with a bill that will in fact establish the Association of Professional Geoscientists of Ontario. I think it's worth our while to look a little bit at the history of how we got to where we are today, because some could argue that it has been a very long and protracted debate to get where we are today, even though for the most part it has only been since March that there has actually been a concrete bill to discuss. In fact, in the last 10 years, the Association of Geoscientists of Ontario has been internally debating the notion of licensing and the establishment of a self-

regulating body and there has been a great deal of consultation within the organization about the move to the same.

At the same time that debate was going on within the association, dialogue was also occurring with the professional engineers of Ontario, because for a time the two organizations worked together on licensing and were looking at becoming part of a joint group for that. In fact it was in 1997 that I first met with representatives from both groups, who provided us at the time with some principles with respect to draft legislation that they wanted to work on together.

Clearly a number of things have happened since that time that led us to a point where the geoscientists themselves decided to take on the licensing issue on their own as an organization. But through that process they have continued certainly to have discussions and seminars with the Association of Prospectors and Developers and a number of sessions and consultations with mining and environmental professionals, particularly people involved in earth sciences.

#### 2000

In 1998, Len Wood, our colleague from Cochrane North, met with the geoscientists to review the draft that led us to where we are today. Many of the principles were outlined in the draft that he was shown about a year ago at this time. I think the change really came in March when the Minister of Northern Development and Mines actually introduced a draft bill to create an independent Professional Geoscientists Act in Canada. The other jurisdictions that have this act have a combination whereby geoscientists and professional engineers are governed together under a specific piece of legislation. Ontario is the only jurisdiction where the geoscientists themselves will have an independent, separate piece of legislation which governs them by themselves.

After that draft bill was introduced by the minister at a mining conference in this city, some serious consultation occurred around the province so that people could have their say. In fact, the draft bill was looked at in Toronto, Ottawa, Thunder Bay, Sudbury and Kirkland Lake. There were meetings in all of those communities—twice in Toronto, as a matter of fact—so that people could come have a look at it, have input, have discussions. The draft bill was also posted on the environmental registry around April 6 so that people could have access to it via the Internet and make their comments back to the Ministry of Northern Development and Mines.

The ministry told us in a briefing we had earlier this spring that in fact they received about 100 pieces of input, mostly from the professionals themselves, and that, by and large, there was wide and quite broad support for this legislation. We recognize that, and of course this is one of the reasons we are supportive of the bill. If the bill is passed, and it will be, because we have given our support to the minister as well, then Ontario would join other provinces like Alberta, British Columbia, Newfoundland, Saskatchewan and the Northwest Territories in terms of having a self-regulated, licensed profession



where matters of discipline, educational criteria etc., are all set out in a specific piece of legislation.

I should at this point recognize that Inco, Falconbridge and the Toronto Stock Exchange have all made or have agreed to make financial contributions to allow the association to develop. It's worth our while to thank those two mining companies, both of which operate in my community, and the TSE as well for recognizing the importance of this initiative and for providing some of the financial support which will be required in the early years in particular as the association gets underway. As I took a look at that draft business plan, it certainly does foresee in the early stages operating more in a deficit position until members can join and fees can be raised etc. I think the contributions that will be made by the mining companies and the TSE will help to resolve some of that initial debt issue.

The bill in essence establishes a professional body to govern the practice of geoscience in Ontario. It's worth looking at the definitions that we would use commonly with respect to this practice and then the definitions that will appear in the bill so that people understand who is being regulated under Bill 86.

Geoscientists are those who normally or primarily work in the fields of geology, geophysics, geochemistry and environmental geosciences. For the purposes of the bill, a geoscientist is defined as someone who "performs an activity that requires the knowledge, understanding and application of the principles of geoscience and that concerns the safeguarding of the welfare of the public or the safeguarding of life, health or property including the natural environment."

The bill creates an association, which will be called the Association of Professional Geoscientists of Ontario, as the governing body for professional geoscientists. There are a number of objectives of the association that are outlined in the bill that I think are worth reiterating here this evening so that the public can understand what the association will do. The following are the objects of the association:

"1. To regulate the practice of professional geoscience.

"2. To govern its members and certificate holders in accordance with this act and the regulations and bylaws" that flow from the bill.

"3. To establish, maintain and develop standards of knowledge and skill among its members and certificate holders.

"4. To establish, maintain and develop standards of qualification and standards of practice for the practice of professional geoscience.

"5. To establish, maintain and develop standards of professional ethics among its members and certificate holders.

"6. To promote public awareness of the role of the association.

"7. To promote the mobility and transferability of membership in comparable associations in other jurisdictions.

"8. To exercise such other powers as may be conferred, and to perform such other duties as may be imposed, under this or any other act.

"9. To undertake such other activities relating to the practice of professional geoscience as the council considers appropriate."

Under the act, the association is also given powers to do the following things. It may "establish a joint practice board with any professional body it considers appropriate to assist it in developing and maintaining a professional relationship with that body," and "make reciprocal arrangements with other bodies governing professional geoscientists in other jurisdictions providing for,

"(i) the recognition by the association of the qualifications for practising professional geoscience in those jurisdictions as qualifications for practising in Ontario, and

"(ii) the recognition by those bodies of the qualifications for practising professional geoscience in Ontario as qualifications for practising in those jurisdictions."

That will allow others who want to practise in other jurisdictions to do so and to ensure that the qualifications can be met and they will be allowed to carry out their work not only in Ontario but nationally and internationally.

There are a number of powers that are granted to the association as a result of this particular piece of legislation. That, I suspect, would be powers that other self-regulating bodies also have. We'll be dealing tomorrow with a bill that will regulate professional foresters in Ontario, and I suspect, because I haven't had a chance to read that legislation yet, that many of the powers that are provided in this bill and conferred upon the association would be powers that would also be provided to the professional foresters. These include powers of the association to establish committees. We know that under the bill three would be established: a registration committee, complaints committee, and discipline committee. The association is given the power to make its own bylaws to govern its activities as an organization.

The association will determine the eligibility for membership in the association, and that includes the educational requirements that will be necessary for someone to attain membership in the association. In all likelihood, that would include at least a four-year bachelor of life sciences and also a number of years of actual practical work experience. For those who are worried they don't have that kind of qualification now, the bill anticipates there will be provisions made for grandfathering people who have worked in the field for some long time but may not have the bachelor of arts itself that would be needed probably over the next two years.

They will establish the discipline of members and be allowed to investigate complaints made by the public with respect to conduct of members and will determine what the discipline of those members will be, particularly how registration of members would be revoked and how registration of members could be suspended, depending upon the severity of the conduct that the complainant

raises in terms of improper conduct. Again, they will determine by regulation what constitutes professional misconduct, what constitutes qualifying work experience, what will be contained in the public register that will be established by the registrar, the circumstances under which an individual might not be eligible to be a member etc.

There are a number of terms and conditions that will be set, a number of qualifications and criteria that will be established, I suspect, over the next two years as the association moves to become full-fledged in terms of assuming its responsibility.

#### 2010

The minister, as well, has a number of powers. They include reviewing the activities of the council, asking the council to undertake activities and advising the council re the implementation of the act and regulations. I saw the Minister of Natural Resources here earlier and I will make this point at this time. The powers that are provided under this bill are the same as the powers that are provided under the land surveyors act, which is another association that is self-regulating in the province. The reason I raise that is because it's an important provision to be provided. One hopes that it is rarely used, if at all, but it is important that the provision to review the activity of the council be included.

I say that because we have run into a situation with respect to a number of land surveyors who have come to see me and have come to see the minister and have made some very serious allegations with respect to the operation of the association of land surveyors in Ontario; serious enough, I think, to warrant the minister actually calling for a review or implementing a review of the association, either to confirm the allegations and to undertake some changes at the association if that's warranted or to exonerate those who have been implicated by showing that perhaps the allegations were not as strong or were not as true as people would have them believe. I have talked to the minister and his staff with respect to that serious situation and encouraged him to have a review to get this thing dealt with as soon as possible.

Again, it's not something that you want to see used. You hope an association can adequately, effectively and appropriately govern itself. But when there are allegations, questions and concerns being raised about how it's being run, if it is effectively representing its members, then you do need to have another mechanism for accountability—in this case, ministerial—to allow someone from government to intervene. So I say to the geoscientists who are here, we hope it's never used, but it's an important protection to have, if for nothing else but to convince the public and members themselves that there is somebody else, some other body, that one can apply to in order to try and seek remedies and in order to get concerns aired, investigated and, if they exist, hopefully resolved positively.

There is a need for this legislation. The parliamentary assistant has talked about it, but I want to reinforce a couple of points that he made. First of all, the legislation

is important to safeguard the public interest and to make sure the public perceives clearly that their public interest will be met and will be protected.

It's worth pointing out that geoscientists are involved in a number of very important areas that do have a fairly significant impact on people. For example, geoscientists are involved in the designing of mines, in the underground workings of mines, in the identification of mining hazards, and in the development of groundwater resources. Each of those developments, if I can call them that, could have a very significant impact on the population, and could have a very significant negative impact on the population, depending on how work is undertaken.

What the self-regulation—the licensing issue, the development of a professional body with codes of conduct, codes of ethics, disciplinary measures and measures for public complaint—does, I hope, is assure people that we are dealing with experts, whether they be experts hired by municipalities to look at groundwater issues or whether they be experts involved in initial development of a mining property, that we are dealing with professionals, with people who have very clear educational qualifications, very clear work in the field for a number of years, and that in that regard, as much as possible, their safety will be protected. I think that's particularly important in light of some recent happenings in the province. I'll leave that there. But I think it's particularly important that this profession be able to prove as clearly and concisely as it can to people that their dealings are above-board, that their association is represented by highly competent, highly capable individuals who have the public interest at heart.

Secondly, the bill is very much necessary to ensure that geoscientists who come from Ontario can work in other jurisdictions, particularly those where licensed geoscientists are already in place. I mentioned earlier that when the bill is passed, we will join at least five other jurisdictions—and in another jurisdiction work is underway for self-regulation—where there are licensed geoscientists, where there is a requirement to be licensed in order to work, and where Ontarians have been effectively shut out of those marketplaces because that has not been a condition to work in this province. We have not had a system where people have had to be licensed as a matter of course to carry out their activities, to do work, so it's been very difficult for them to be able to work and to compete either nationally or internationally.

The bill will respond to that because our requirement here to be licensed, and then the work that the association will do to work with other jurisdictions, should give an open, easy and wide access to our own professionals to be able to work in other jurisdictions. Of course, we hope there will be lots of work in this province for them to do, but having said that, I recognize that they have quite incredible expertise. There is a great deal of movement from time to time of these professionals, and hopefully Ontario doing its part will allow people to become more mobile and transfer their skills to other jurisdictions as well.



Thirdly, and this is probably one of the most important points, the need to license responds directly to some recommendations that were contained in the Mining Standards Task Force report, which was called Setting New Standards and which was published earlier this year or very late last fall. This is specifically important in the section of the task force report on "qualified persons," and it becomes imperative, it becomes obligatory under that, to actually ensure that licensing takes place in the province.

The second thing that was happening at the same time as the Mining Standards Task Force was making its recommendations was that the Canadian Securities Administrators were also looking at a regulatory review of disclosure requirements for mining issuers. Again, qualifications of mining issuers was part and parcel of the new instrument they were developing, and again, the need to be licensed was part and parcel of that. So the licensing issue responds to two of those recommendations.

I thought the task force work was quite important and was very well done. I wanted to spend just a bit of time talking about why the task force is making the recommendations it is with respect to qualified persons and why it is imperative that geoscientists be licensed in this province in order to comply with those particular recommendations.

The task force itself was established in April 1997 by the Toronto Stock Exchange and the Ontario Securities Commission. It was established to examine the need to set standards for mineral exploration and mining companies on how efficient exploration programs should be carried out and the results disclosed. Because it was happening in the wake of Bre-X, clearly the guiding principle of the task force was to increase investor confidence in the Canadian securities market and also to try to reinforce Canada's leadership in the global mining industry by trying to make it clear to people that there was going to be increased investor protection after Bre-X.

The task force took upon itself quite a broad mandate and investigated a number of things, which included the commissioning of a survey of mineral exploration and mining companies, and the commissioning of a report on the technical issues from a technical consulting firm. They invited submissions on the issues before the task force and received submissions from about 120 organizations during the course of their work. They invited presentations from representatives of the mining, assaying and securities industries, consultants, professional associations and internationally recognized authorities on the mining industry. Also, given their own work—because the task force represented a broad section of all of those communities—they provided themselves first-hand experience as to some of the changes they felt were necessary to increase investor protection and investor desire to continue to be involved in supporting mining stocks and mining exploration.

The task force, in carrying out its work, came to the conclusion that: "Public mineral exploration and mining

companies ... have a duty and ... obligation to report on their activities to the capital markets, their shareholders and the investing public. The integrity of any data produced and reported on is only as good as the planning and execution of exploration or mining programs and the practices followed by mining companies. Since it is important that investors be informed of technical and operational issues, they are entitled to a summary of relevant information contained in technical reports. As a majority of investors do not have the knowledge to judge the quality of such technical reports, it is also important that they"—the investors—"be able to rely on the accuracy of data reported by a company."

## 2020

It was with this in mind that the task force reviewed what was in place with respect to regulatory standards, reporting and disclosure. As a result of that review, the task force made a number of recommendations focusing on "qualified person." The qualified person concept was: Who would be responsible for undertaking a number of things with respect to disclosure, with respect to reporting, with respect to looking at development programs, mining operations etc? What would their qualifications be? How could we ensure that they would be the people who would sign off on the technical reports both at the Toronto Stock Exchange and with respect to other work that they are obligated to do?

They made a number of recommendations that all lead back in many ways to the need to have geoscientists licensed in the province of Ontario.

First, they recommended that a qualified person would be responsible for:

"(a) all scientific and technical matters relating to the design, implementation and assessment of a mineral exploration or development program or a mining operation, including the procedures and practices followed, using industry standards;

"(b) the estimation and classification of resources and reserves; and

"(c) the review, approval and, where required, certification of all scientific and technical reports and disclosure for public and regulatory purposes relating to a mineral exploration or development program."

Second, they recommended "that a qualified person be defined as an individual who is an engineer or geoscientist with at least five years' experience in mineral exploration, mine development, operations or project assessment including experience relevant to the subject matter of the project or report, and is a member in good standing of a recognized professional association."

Third, "We recommend that the securities regulatory authorities recognize self-regulating professional associations of geoscientists and/or engineers that meet acceptable standards for their members to act as qualified persons."

Fourth, and this is where they impact most appropriately in Ontario: "We recommend that geoscientists be included in the professions regulated by the provincial and territorial engineering associations or, alternatively,

that enabling legislation be enacted providing for self-regulation by provincial associations of geoscientists. In this connection, the task force strongly supports the expeditious adoption of enabling legislation in Ontario to provide self-regulating professional status for the Association of Geoscientists of Ontario."

They made another recommendation, that Ontario geoscientists join the Association of Geoscientists of Ontario as soon as possible.

There was a great deal of supporting documentation for why the task force made the recommendations it did with respect to "qualified person," but I think the important point flowing directly from the recommendations is the need to address this issue in this province and to do it now.

One of the most important reasons for moving forward, outside of the fact that so many years have been spent by the association discussing this issue internally and feeling there was a need to do this, is that there is an urgent need now, which comes from the mining task force, that says these things need to be done: You need to be licensed, and you need to be licensed as soon as possible because licensed geoscientists are going to be required to deal with the technical disclosure, with the technical reports that are presented to the Toronto Stock Exchange.

The second reason this needs to be done right away is that there has also been a change in the standards of disclosure for exploration, development and mining. This comes from changes that have been made by the Canadian Securities Administrators. That's the body that deals with the security commissions of all the provinces. Those include guidelines on what you have to do if you have mining property, but they also provide the criteria that are needed by the authors of any of those technical reports.

Clearly the change that has now been made by the Canadian Securities Administrators is that those people who are the authors of those technical reports also have to be licensed geoscientists. So there is a second, most compelling reason why we have to move on this legislation now in Ontario, and that is to meet all the requirements by the Canadian Securities Administrators under what is called National Instrument 43-101.

We have a situation where for the matter of trying to boost public confidence, to deal with public concerns about development, to deal with very strict requirements that are coming down the pipe from the securities commission and the TSE, we need to be in a position now where we ensure that the licensing of geoscientists in Ontario takes place.

One other issue I want to deal with has to do with whether doing this would solve another Bre-X. I remember that at the briefing the opposition critics had with the parliamentary assistant there was some speculation—you were there, Mr Speaker, you remember—that if we moved to license geoscientists in the province, if they had their own organization, code of conduct, ethics, discipline etc, you could avoid a Bre-X scandal from ever

happening again. I thought that was kind of bizarre and I just couldn't believe it could be true, because Bre-X was out-and-out fraud.

So I had some concerns, some doubts and I thought there would be one person who could give me some advice about whether what the government proposed to do would stop another Bre-X. The person I called was a former mines minister in this province, an individual who worked for 20 years in a lab at Geco in Manitouwadge. I called our former colleague Gilles Pouliot at his estate in Orford, Quebec, and ran this by him. I called him last week and said: "Gilles, the government proposes to regulate geoscientists and the government says that in doing so we can avoid a Bre-X scandal. I'm calling to ask you what you think, because of your wealth of expertise." After he stopped laughing, he said to me that of course doing this had nothing to do with stopping Bre-X or another Bre-X or any other kind of fraud, whether it involved the Toronto Stock Exchange or the Vancouver Stock Exchange or any other. He said very clearly, "I've made a lot of mistakes in my life but I never made that mistake," meaning he never invested in Bre-X in the first place.

**Hon Rob Sampson (Minister of Correctional Services):** I wouldn't count on that one.

**Ms Martel:** No, I believe him on that one.

Of course, what happened with Bre-X, which I think needs to be spoken about here again tonight, was that there was a whole number of scenarios with Bre-X where fraud was the intent from the beginning. We had a property in Indonesia where the core was drilled and the core was split and some of it was stored and then the ore that was crushed, along the way of being transported to the lab, got salted. By the time it hit the lab the amount of gold that was there was good, was wonderful. The other half of the core that should have been set aside for other people to examine mysteriously got lost or burned; I'm not sure exactly what happened to it.

Certainly some of the records that should have been in place to deal with what happened also got burned mysteriously. A number of things just rolled on and on that the licensing of geoscientists in Ontario could never have prevented and frankly would never have prevented under those circumstances. If people want to get themselves involved in fraud, they will find the ways and means to do that. It won't necessarily happen in Canada. Even though Bre-X was listed on the TSE, the fraud really took place in Indonesia where it seems no one—I guess some people were looking at it; whether they were being accountable for it is a whole other question. It would probably be false of the government to try and put forward a case, when this bill is passed, that somehow we could deal with everything that went on with respect to Bre-X by making this move.

It was interesting that in the report from the Mining Standards Task Force they addressed this issue and said very clearly:

"While regulation can address disclosure problems by refinement to the requirements of the disclosure regime,



regulation cannot entirely prevent fraud. Fraud by its nature contravenes the regulatory regime and violates criminal law. It's worth noting that fraud is not peculiar to the securities industry, and within the securities industry it is not peculiar to mining companies either."

The task force itself made the point that while their work started after Bre-X and was put in place to try and deal with investor confidence, even they recognized that the many other recommendations in the task force that I didn't deal with tonight, but certainly not the recommendation to license geoscientists, wouldn't really have anything to do to stop the kind of situation we saw with Bre-X.

I've talked about my colleague from Lake Nipigon, who wanted to be sure I would raise his name here this evening; I'll send him the Hansard.

**Mr David Christopherson (Hamilton West):** What's that name again?

**Ms Martel:** Gilles Pouliot, on his estate in Orford, Quebec, in retirement. Don't we wish we could all be there?

Let me say that we support what the government is doing here. Of course we will be supporting it. I trust that the association, which probably thought that a lot of work had already been done, will now discover that much more work now needs to be done as they go about their business in the next two years, I believe it is, to set it all up. I wish the members well in their endeavours, because I suspect it will take quite a bit of work to develop the educational standards, to develop the standards to be qualified, to develop the code of conduct and the ethics,

and the disciplinary measures and what would constitute a need for discipline etc. All of those things will take some time to develop and we wish them well in their endeavour.

We hope that at the end of the day this bill will go forward in a way that will increase public confidence in the TSE, will allow geoscientists to work not only in Ontario but in other jurisdictions in a much freer way than they have to date, and finally will give the public some confidence that the people who are doing work for them, whether it be in mining or earth sciences with respect to water etc, will be people who are highly qualified, highly capable and very intent on doing a good job, knowing full well that if they don't, they could forfeit their licence and lose their work.

We support the bill and wish the association all the very best as they start to implement it once the bill is passed.

**The Acting Speaker (Mr Michael A. Brown):** Questions and comments? Further debate?

Mr Ouellette has moved second reading of Bill 86. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading? Agreed.

**Hon Chris Hodgson (Chair of the Management Board of Cabinet):** I move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

This House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 2033.*

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First Session, 37<sup>th</sup> Parliament

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Première session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 21 June 2000**

**Mercredi 21 juin 2000**

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers





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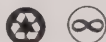
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 21 June 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 21 juin 2000

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### WATER QUALITY

**Mr Dave Levac (Brant):** I rise today, unfortunately, to comment on another incident involving drinking water. A boil-water advisory has been issued by the Brant County Health Unit, the Grand River Conservation Authority and the mayor of the city of the county of Brant for the people of Glen Morris in the riding of Brant. This announcement was made as a result of E coli testing showing unacceptable levels of the bacteria in their water supply.

Officials are now hand-chlorinating the source of the drinking water. A private firm has been hired to investigate the present system and make recommendations for possible changes to the entire system. As an additional safety measure, the Grand River Conservation Authority has closed permanently the popular, publicly accessible spring-fed water source on Highway 24 near Cambridge.

Due to the proactive stance our local officials have taken, we may indeed have averted a crisis.

I repeat again for the government, we must not take our life-giving water and air for granted and we must take responsibility for our actions and/or inactions. I implore the government: Restore provincial inspectors, fully fund our local agencies so they can effectively do their jobs, stop the drive to privatize our province and, for God's sake, stop endangering our water in order to save a few bucks.

#### LARRY DAVIS

**Mr Doug Galt (Northumberland):** Joining us today in the members' gallery is Constable Larry Davis of the Cobourg Police Service. He is the strongest police officer in Canada.

Constable Davis recently earned this distinguished title at the Canadian Law Enforcement Games in Ottawa. Not only did he finish first in the Ottawa competition, bench-pressing an incredible 365 pounds, Mr Davis's other feats include pulling school buses, lifting 200-pound logs over his head and holding a keg of beer in each hand with arms extended.

If sheer physical strength doesn't impress you, Constable Davis is also leading the way in another area. He is the first police officer in the Cobourg community to be

assigned specifically to work in our local high schools, spending three days a week working directly with the students. This was made possible through our government's community policing grants which last year provided 50% funding for communities to hire an additional 1,000 new police officers across Ontario.

I'm very impressed with Constable Davis and I'm proud that he serves in my riding of Northumberland.

When Constable Davis isn't busy protecting our community, lifting weights and pulling buses, he devotes his time to local high school athletics, where he stands as a role model for all of our young people.

On behalf of the province of Ontario and the people of Northumberland, I offer my sincerest congratulations to Constable Davis. Would the members of this House please join with me in offering a great round of applause for Constable Davis.

*Applause.*

#### ONTARIO HUMAN RIGHTS COMMISSION

**Mr Alvin Curling (Scarborough-Rouge River):** On Monday, in response to my question, the minister responsible for the Ontario Human Rights Commission bragged about her government's perceived successes at the commission. Let me tell you the reality of the situation.

This government does not tell us that more than 50% of the cases that have come to the attention of the commission are either withdrawn, dismissed or not dealt with by the commission. This government also does not tell us that some complainants are discouraged to seek redress by the commission.

The minister also fails to tell us that even if a complainant is successful at the commission hearing, there is a great probability that they may not realize their remedy. Far too many successful complainants are forced to wait endlessly to receive their remedy. In fact, some are compelled to seek redress against those convicted by the commission in the criminal justice system to receive their remedy. This should not be happening.

The evidence overwhelmingly reveals that the Ontario Human Rights Commission lacks the resources to deal with the backlog of cases and also lacks the mandate to enforce its decision.

It is evident that only when we have a full review of the Ontario Human Rights Commission's effectiveness and the necessary changes made that the people of Ontario have the confidence that the system works. What we have at present is a right with no meaningful remedy.



I urge this government to proceed quickly and call for a full review of the Ontario Human Rights Commission's mandate. You can see what happened today, where women are scared because restraining orders are not even followed.

### MERIDIAN GLOBAL TECHNOLOGY

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** Great news from Lambton-Kent-Middlesex today. On June 10, I had the opportunity to attend the opening of Meridian's Global Technology Centre, strategically located in Ontario on the edge of the NAFTA Super-highway in Strathroy, Ontario, which is located in my riding of Lambton-Kent-Middlesex.

Meridian is a truly global technology organization, with production facilities that serve markets around the world. Centred between European and Asia-Pacific markets, Strathroy is an ideal location that can best serve the needs of east and west and all of North America. In reality, Meridian's Global Technology Centre is in touch with all these markets daily by conventional means of travel and through the virtual reality of today's state-of-the-art internal technology communications systems.

From advanced engineering to product simulation and forward programs, Meridian provides hands-on solution and expertise to existing and growing markets globally. Through a knowledgeable base of in-depth experience, creative innovation and leading magnesium production know-how, Meridian has opened new markets in the auto parts sector internationally.

Meridian's people are problem-solvers that are tested every day while handling a wide range of customers' challenges. Meridian's people are the real strength of the company.

Meridian will also play a major role in maintaining the economic health in the riding of Sarnia-Lambton and, may I add, in Ontario. We wish them the best in the future.

### HEALTH CARE

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** It's incredible that Canada, which takes pride in having one of the best health care systems in the world, should be ranked number 30 in the World Health Organization's study of health care in 191 countries. We are not number 30 because the quality of our health care is poor; in fact, we are seventh in the ranking of the health of our population. The reason we are low is because we expect people to pay too much out of their own pockets for health care. Among G7 countries, only the United States is lower than Canada in the percentage of our health care spending that is funded by government, which means we are number two in what we expect people to pay for privately.

What is alarming, I say to the members opposite, is that people in the province of Ontario pay even more out of pocket for health care than is expected of other Canadians. Across Canada, 30% of health care costs are paid for privately. In Ontario, the percentage is 34% and

it's growing every year. People are expected to pay out of pocket for more and more services that have been delisted from OHIP. They are paying more for physiotherapy and private clinics because the OHIP-funded clinics are being squeezed out of business. They are paying more for home care because home care services are rationed. They are paying newer, larger co-payments for drugs or for long-term care. In the north, people are forced to pay for travel to get care. That doesn't even count in the 34%. People are paying to jump the queue to get MRIs, which isn't legal, but it is what seems to happen if you mix public and private care in the same facility.

Canada has always prided itself, not just on the quality of our health care system, but on the fact that health care in this country is universally accessible. The report of the World Health Organization has a sobering message for us: We are losing that universal access. We do have a good health care system. Now the challenge is to make sure everyone can benefit from it.

### AIR QUALITY

**Ms Marilyn Churley (Broadview-Greenwood):** I just came back from a smog summit, in which all three levels of government were represented. Jack Layton, the mayor, who organized it, spoke, and I must congratulate him for getting such a fine turnout; the federal ministers of the environment and of transportation and the Ontario Minister of the Environment were there. It was a very polite meeting. There were not a lot of new things announced today, but I will say that it was a positive step forward in that all three levels of government did come together, with no new announcements particularly, but signed an agreement that they would work together to try to do something about smog, which is killing thousands of people in this province every year.

Today I'm calling on the government to do one very small thing, on top of all the other things I've asked the government to do to cut down and prevent smog. I'm calling on the government to stand up for clean air and block attempts to ban small ride-sharing services in Ontario. The government is going out of its way to make life easy for well-established bus companies by stopping the little guys who offer cheap alternative ideas, but this will also encourage people to get back in their cars and drive, which contributes to smog, when these small alternative methods are taken away. The Ontario Highway Transport Board plans to investigate four ride-sharing services to see if they should be banned. At a time when we're trying to do something about smog, the government should take a position and save these ride-shares across Ontario.

1340

### LEGACY OF LOGAN

**Mr Bert Johnson (Perth-Middlesex):** On Sunday, June 11, I had the privilege of attending a book launching ceremony for a community in my riding of Perth-Middlesex. The township of Logan, now part of the

municipality of West Perth, is celebrating its 150th anniversary this year. To commemorate this milestone, local residents have produced a history book entitled *Legacy of Logan*.

A large celebration is planned for the weekend of July 14. There will be a variety program, a fireworks display, baseball games, an interdenominational church service and many other fun-filled activities.

The Logan township history book committee, chaired by Barb Scherbarth, has produced a very handsome 720-page book with photos and details about the township's past.

I congratulate all the volunteers who have worked so hard in organizing the many activities that are planned for the 150th celebration next month. In particular, I would like to recognize the co-chairs, Geraldine Siemon and Barry and Eileen Dietz. The members of the history book committee, Bruce Eisler, Carol Francis, Ellen Illman, Ellen Maloney, Wilma McFadden, Tim Nicholson, Diane Osborn, Jean Reaney, Margaret Scherbarth, Gerry Sydners and Gordon Young, should also be congratulated for their work. The editor of the book is Hilary Machan. Again, I congratulate and thank those volunteers for their dedication.

As the township celebration motto so aptly says, "Pride in our past, faith in our future."

### MUNICIPAL RESTRUCTURING

**Mr Michael Gravelle (Thunder Bay-Superior North):** I want to use my time today to urge the Minister of Municipal Affairs, in the strongest possible terms, to set aside his decision to move ahead with the restructuring of Beardmore, Geraldton, Longlac, Nakina and the surrounding unorganized communities into the new municipality of Greenstone, at least until the Supreme Court has an opportunity to rule on the appeals before it opposing this amalgamation.

I have been opposed to this amalgamation from the very beginning. I have always felt that a municipality of this size was unworkable, would not achieve the anticipated savings and would negatively impact on the quality of life of the residents of this vast area. While I believed that was the case four years ago, I feel very strongly that that is even more demonstrably true today.

Minister, as recently as a month ago you wrote the area mayors and reeves to say that the amalgamation still made sense because of a potential for \$1 million in savings. Even the supporters of this restructuring acknowledge that those savings will not happen and, in that your reasons for moving ahead with this have always been related to savings to taxpayers, the fact that these savings will not be there should be reason enough for you to cancel this amalgamation.

There are a variety of other reasons why this restructuring should be stopped, including the frightening potential of more provincial downloading to property taxpayers and the fact that area services boards, created

especially for northern communities, completely negate the need for this massive restructuring.

Minister, there are other options you can explore which could meet your goals without ripping the independence and the heart out of these communities. Please explore those options before you turn a region that once worked strongly together on shared goals into a sadly divided, torn-apart and massive community.

### HOSPICE THORNHILL

**Mrs Tina R. Molinari (Thornhill):** It is my pleasure and privilege to rise today to tell you about wonderful work that's being done in my community of Thornhill by Hospice Thornhill.

Hospice Thornhill was incorporated as a non-profit organization in May 1987. It is a community-based volunteer service to meet the needs of persons with life-threatening illnesses. Hospice volunteers are specifically trained over a six-week period and complement existing health care teams in York region. The hospice provides services to meet the non-medical needs of the terminally ill person and family in the home setting.

Staff and volunteers provide 24-hour service and offer emotional support and respite care to family and friends, visit patients and accompany patients to appointments. They also assist with nourishment, telephone calls and shopping, and offer assistance during times of bereavement and continuing support through the Take Heart self-help groups.

At a recent fundraiser I was extremely impressed to meet many of the dedicated staff and volunteers who work so tirelessly on behalf of Hospice Thornhill. It was an honour to meet one of the founding members, Marleene Kretchman, as well as John Kain, chair of the board, and Joan Chesney, Libby Bailey, Isabelle Welsh and Anne Thompson. These people are here with us today and I ask that you join me in welcoming them to the Legislature, congratulating them for the dedication and commitment they offer.

### VISITORS

**Mr Rick Bartolucci (Sudbury):** On a point of order, Mr Speaker: As you know, it's always very nice to have people in the public gallery. Today we have two very special groups in the gallery. In the gallery behind me is a group of students from Sudbury who are sort of setting a record. They are going to be the last grade 7 and 8 class at St Louis de Gonzague school. St Louis is going to be closing in June. I would like to welcome them warmly. They are certainly model citizens. On the other side in the public gallery we have a group of people from Hamilton, and in that group is a very special person, the mother of Dominic Agostino, Mrs Teresa Agostino. I think we want to welcome both groups to the House.

**The Speaker (Hon Gary Carr):** We certainly welcome all the guests, especially Mrs Agostino. The member for Hamilton East will be very well behaved



today, I'm sure. In some respects, we wish she could be here every day.

### SPEAKER'S RULING

**The Speaker (Hon Gary Carr):** On Monday, June 12, the member for Parkdale-High Park raised a point of privilege relating to an advertisement sponsored by the government that addresses issues relating to Bill 74 and specifically after-school activities.

The member asserted that the advertisement amounted to a *prima facie* case of contempt, likening it to the ad that was the subject of a January 22, 1997, ruling by Speaker Stockwell. Further, the member objected to the timing of the ad, which coincided with public hearings on the subject.

The government House leader, Mr Sterling, also made a submission respecting this point of privilege. It was his view that the ad in question makes no "presumption that the legislation is law or has passed."

I listened carefully to the arguments put forward and I have obtained a transcript of and reviewed the text of the ad. In addition, I have reviewed the precedents relating to privilege and government advertising.

First, to address the ruling of January 22, 1997, by Speaker Stockwell, in that instance the government had distributed a brochure which used words which presumed passage of the bill in question. The language used was definitive in that it indicated that the measures contained in the bill had already or would certainly occur.

This, in my view, is not the case with the ad in question today. It simply states that the government is taking action with respect to extracurricular activities. It does not reflect upon or presume the outcome of the proceedings of the Legislature. This ad is more akin to ads the government ran on Bill 160, which were also the subject of a ruling by Speaker Stockwell. On November 18, 1997, in respect of those ads, Speaker Stockwell stated:

"The ads may represent an aggressive challenge to opposing views put forward by others, but I do not believe they caused any of us to come here without the uncontested ability to continue the debate on this issue, nor can it be argued that the respect due to this House is diminished by the wording of the ads."

As to the timing of the ads, I note that such advertising has occurred on at least four other occasions concurrently with consideration of the matter in the House or its committees. That in and of itself does not make it acceptable. However, the determination with respect to privilege has to be whether or not the effect of the ad has been to intimidate members or cause them to be obstructed in carrying out their parliamentary functions. I do not believe this ad has had that effect. Indeed, the members have continued to debate and vote on Bill 74 unimpeded.

For these reasons, I find that a *prima facie* case of contempt has not been made out. I thank the member for his submission.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON ESTIMATES

**Mr Gerard Kennedy (Parkdale-High Park):** Pursuant to standing order 119(b), I beg leave to present a report with respect to an appeal on a decision of the Chair of the standing committee on estimates by the majority of the standing committee.

**The Speaker (Hon Gary Carr):** I thank the member. I shall review the report of the Chair of the standing committee on estimates and will advise the House, at the earliest opportunity, of my decision.

1350

## INTRODUCTION OF BILLS

### MUNICIPALITY OF WEST PERTH ACT, 2000

Mr Johnson moved first reading of the following bill:  
Bill Pr17, An Act to change the name of The Corporation of the Township of West Perth to The Corporation of the Municipality of West Perth.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

### INQUIRY INTO POLICE INVESTIGATIONS OF SEXUAL ABUSE AGAINST MINORS IN THE CORNWALL AREA ACT, 2000

### LOI DE 2000 PRÉVOYANT UNE ENQUÊTE SUR LES ENQUÊTES POLICIÈRES SUR LES PLAINTES DE MAUVAIS TRAITEMENTS D'ORDRE SEXUEL INFLIGÉS À DES MINEURS DANS LA RÉGION DE CORNWALL

Mr Guzzo moved first reading of the following bill:  
Bill 103, An Act to establish a commission of inquiry to inquire into the investigations by police forces into sexual abuse against minors in the Cornwall area / *Projet de loi 103, Loi visant à créer une commission chargée d'enquêter sur les enquêtes menées par des corps de police sur les plaintes de mauvais traitements d'ordre sexuel infligés à des mineurs dans la région de Cornwall.*

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** On Christmas Eve of 1994, at a press conference, the Ontario Provincial Police ended a 14-month investigation into this matter saying there was no evidence of a pedophile ring operating and that no charges were to be laid. They also suggested that no stone had been left unturned.

Today, after Project Truth went back into Cornwall in 1996, 114 charges have been laid, 108 for offences which allegedly occurred years prior to 1994. It begs the question, was the 1994 investigation incompetent or was there a cover-up?

Over \$200,000 was spent by the people of Ontario, private citizens, to do the police work between 1994 and 1996 to provide the evidence for Project Truth. It seems to me that those people should be reimbursed for doing the work of the Ontario Provincial Police.

**PUBLIC SECTOR EMPLOYEES'  
SEVERANCE PAY ACT, 2000  
LOI DE 2000 SUR L'INDEMNITÉ  
DE CESSATION D'EMPLOI  
DES EMPLOYÉS  
DU SECTEUR PUBLIC**

Mrs Bountrogianni moved first reading of the following bill:

Bill 104, An Act respecting the payment of Severance Pay to Public Sector Employees / Projet de loi 104, Loi concernant le versement d'indemnités de cessation d'emploi aux employés du secteur public.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

**Mrs Marie Bountrogianni (Hamilton Mountain):** The incentive for this bill came from some outlandish golden handshakes in Hamilton recently which led to, quite legitimately, public mistrust.

This bill provides that a public sector employee who is not subject to a collective agreement is, upon termination of employment, entitled to a severance pay of no more than an amount equal to 24 months' worth of wages. Further terms and conditions relating to the payment of severance may be set by regulation.

In the case of severance payment in an amount of \$100,000 or more, the employer is required to obtain the approval of the minister before the amount is paid to the employee.

The bill establishes a Public Sector Employee Severance Pay Council to review all agreements relating to severance pay entered into by public sector employers and determine whether they comply with the act and the regulations. The bill also provides that if a public sector employee who receives severance pay finds other employment in the public sector after his or her termination, he or she will have to reimburse a part of the severance pay determined by regulation to the employer in certain circumstances that may be set by regulation.

Finally, the bill requires that if a public sector employee is to receive severance pay of \$100,000 or more, the employer must make available for inspection a written record of the amount of the severance pay.

**TOBACCO CONTROL  
AMENDMENT ACT, 2000  
LOI DE 2000 MODIFIANT LA LOI  
SUR LA RÉGLEMENTATION  
DE L'USAGE DU TABAC**

Mr Gilchrist moved first reading of the following bill:

Bill 105, An Act to amend the Tobacco Control Act, 1994 / Projet de loi 105, Loi modifiant la Loi de 1994 sur la réglementation de l'usage du tabac.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

**Mr Steve Gilchrist (Scarborough East):** This bill would amend the Tobacco Control Act, 1994, to create an offence for a person under the age of 19 not only in the purchasing but also in the possession of tobacco.

At present, no person is allowed to sell or store tobacco in a place where a person has committed two tobacco sales offences. The bill provides for an exception for a person who is not related to the person convicted of the offences, in case someone was to sell the store, for example, that had created the offence. The bill also prohibits the person convicted of the tobacco sales offences from selling or storing tobacco in any other place of business.

**LYNN HENDERSON'S LAW  
(WORKPLACE SAFETY AND  
INSURANCE AMENDMENT ACT), 2000  
LOI LYNN HENDERSON DE 2000  
(MODIFICATION DE LA LOI  
SUR LA SÉCURITÉ PROFESSIONNELLE  
ET L'ASSURANCE CONTRE  
LES ACCIDENTS DU TRAVAIL)**

Mr Christopherson moved first reading of the following bill:

Bill 106, An Act, in recognition of Lynn Henderson, to amend the Workplace Safety and Insurance Act, 1997, in order to provide for compensation for secondary victims of occupational disease / Projet de loi 106, Loi Lynn Henderson modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail afin de prévoir l'indemnisation des victimes indirectes de maladies professionnelles.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

**Mr David Christopherson (Hamilton West):** This bill will allow compensation for the secondary victims of occupational disease—people like Lynn Henderson, who is here today in the House with her daughter, Jessica, and mother, Joyce Stinson—and who suffer from industrial disease just because they lived with someone who brought home the poisonous materials on their work clothes. Might I say that Lynn Henderson is dying. She has lost a lung. Her doctors told her she would die in two years, and that was two years ago. We've also lost a 15-year-old son of a worker who worked at Holmes Foundry. Donald Fitzsimmons is dead because of workplace exposures, and he didn't work there.

This bill also allows for compensation for those who contracted cancer through airborne asbestos fibres in communities like Sarnia. We don't know exactly how



many such victims there are, and that is why the bill also requires Ontario to do a survey of Lambton county and to establish a system to identify potential claimants across Ontario.

This bill will make Ontario a world leader in recognizing and combatting occupational disease, and I urge all parties to support it.

## MOTIONS

### HOUSE SITTINGS

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** I move that, pursuant to standing order 9(c)(ii), the House shall meet from 6:45 pm to midnight on Wednesday, June 21, 2000, for the purpose of considering government business.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All opposed will please say "nay."

In my opinion, the ayes have it.

### VISITORS

**The Speaker (Hon Gary Carr):** Just before our deferred vote, we have with us today in the Speaker's gallery members of the labour market committee of the Danish Parliament, who are accompanied by the Ambassador of Denmark to Canada. Please join me in welcoming our special guests.

## DEFERRED VOTES

### BRIAN'S LAW (MENTAL HEALTH LEGISLATIVE REFORM), 2000

#### LOI BRIAN DE 2000 SUR LA RÉFORME LÉGISLATIVE CONCERNANT LA SANTÉ MENTALE

Deferred vote on the motion for third reading of Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act, 1996 / Projet de loi 68, Loi à la mémoire de Brian Smith modifiant la Loi sur la santé mentale et la Loi de 1996 sur le consentement aux soins de santé.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1401 to 1406.*

**The Speaker:** Would the members kindly take their seats.

Mr Clark has moved third reading of Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act, 1996.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

### Ayes

Agostino, Dominic	Elliott, Brenda	Mushinski, Marilyn
Arnott, Ted	Eves, Ernie L.	Newman, Dan
Baird, John R.	Flaherty, Jim	Ouellette, Jerry J.
Barrett, Toby	Galt, Doug	Palladini, Al
Bartolucci, Rick	Gerretsen, John	Parsons, Ernie
Beaubien, Marcel	Gilchrist, Steve	Patten, Richard
Bountrogianni, Marie	Gill, Raminder	Phillips, Gerry
Boyer, Claudette	Gravelle, Michael	Pupatello, Sandra
Bradley, James J.	Guzzo, Garry J.	Ramsay, David
Brown, Michael A.	Hardeman, Ernie	Runciman, Robert W.
Bryant, Michael	Harris, Michael D.	Sampson, Rob
Caplan, David	Hoy, Pat	Smitherman, George
Christopherson, David	Hudak, Tim	Snobelen, John
Chudleigh, Ted	Jackson, Cameron	Spina, Joseph
Clark, Brad	Johns, Helen	Sterling, Norman W.
Cleary, John C.	Klees, Frank	Stewart, R. Gary
Clement, Tony	Kwinter, Monte	Stockwell, Chris
Coburn, Brian	Levac, David	Tascona, Joseph N.
Colle, Mike	Marland, Margaret	Tilson, David
Cordiano, Joseph	Martin, Tony	Tsubouchi, David H.
Crozier, Bruce	Martiniuk, Gerry	Tumbull, David
Cunningham, Dianne	Maves, Bart	Wettlaufer, Wayne
DeFaria, Carl	Mazzilli, Frank	Wilson, Jim
Di Cocco, Caroline	McGuinty, Dalton	Witmer, Elizabeth
Dombrowsky, Leona	McLeod, Lyn	Wood, Bob
Duncan, Dwight	Molinari, Tina R.	Young, David
Dunlop, Garfield	Munro, Julia	
Ecker, Janet	Murdoch, Bill	

**The Speaker:** All those opposed will rise one at a time and be recognized by the Clerk.

### Nays

Bisson, Gilles	Kennedy, Gerard	Peters, Steve
Churley, Marilyn	Kormos, Peter	Ruprecht, Tony
Curling, Alvin	Lankin, Frances	
Hampton, Howard	Marchese, Rosario	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 82; the nays are 10.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

## ORAL QUESTIONS

### WALKERTON TRAGEDY

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. The death toll in Walkerton may now be as high as 18, and that's not just a number. As many as 18 families have lost a child, a parent or a grandparent, and what shocked all Ontarians was the way they died. Death by drinking water is not something you expect in Ontario in the early part of the 21st century.

This is probably the last time you will appear in this Legislature prior to the House rising tomorrow for the summer, and I'm going to ask you to do two things that you have failed to do thus far. First of all, I want you to

accept responsibility for the problems caused by your relentless and ruthless cuts to the Ministry of the Environment. Second, I want you to start rehiring the inspectors and enforcement officers you have let go. Will you do those two things, Premier?

**Hon Michael D. Harris (Premier):** Let me say that the events of Walkerton shocked all of us, shocked me personally, shocked Ontarians, which is why we've been very clear from the outset that we had obligations as a government to immediately provide assistance to Walkerton and why we immediately began a process of reviewing all the pertinent regulations and legislation around drinking water. We have announced four reviews directly related to Walkerton to get to the bottom of what went wrong there. In addition, we've announced a management review to assist the Ministry of the Environment to make sure it is the very best that it can possibly be.

I sincerely appreciate the member's advice on solutions, and we'll certainly take it under consideration along with the expert opinion that we have sought as well.

**Mr McGuinty:** Premier, this has been a very, very sad time for Ontario, and it has been your government's darkest hour. You tried to blame the NDP, you tried to blame human error, you tried to blame the municipalities and even the town of Walkerton itself, which is immersed in this tragedy. You fought our calls for a full, independent public inquiry until the pressure forced you to flip-flop, and then you ignored our calls for action, just as you ignored so many warnings issued by so many credible parties about the dangers that were present.

At least take responsibility for doing the right thing from here on in. At least provide some reassurance to Ontario families that you are doing what you can do to make sure their drinking water is safe during the coming summer months. Why not hire 100 inspectors and enforcement officers?

**Hon Mr Harris:** I think when the leader indicated he wanted a committee of the Legislature with full powers to investigate, I responded immediately. When you flip-flopped and said you didn't want politicians involved and you wouldn't co-operate, I immediately came back and had a judicial inquiry. So I responded very quickly to your first request. When you flip-flopped and refused to participate in the first request, we came forward with the commission of inquiry.

I have been very clear from the beginning that what happened in Walkerton was a tragedy and we wanted to get to the bottom of it. At every opportunity I have gone to great pains to say that now is not the time to assess blame. I blame nobody; no individual, no level of government, no party. I've been very clear on that. I've tried to point out facts relayed to me as I understood them. But always paramount were, first, the interests of the people of Walkerton and, second, how we get to the bottom of this, and of course, to all the citizens of Ontario, to ensure we have procedures in place to make sure not only that an event like Walkerton never takes place again, but

that we restore the confidence and integrity in Ontario's water as being the best in the world.

**Mr McGuinty:** You talk about restoring confidence and integrity when it comes to Ontario drinking water safety. We had to drag you and your government kicking and screaming into a full independent public inquiry. There were no volunteers on that side of the House, Premier. You didn't want to go there. We had to drag you there.

Yesterday, perhaps we gained the greatest insight of all into where Premier Mike Harris stands when it comes to drinking water safety in Ontario. As Ontario parents who have struggled during the course of the year to earn a few dollars get ready to take the kids out and go to summer camps and trailer parks and stop at service stations along the way, when we raised the issue that those private wells are not subjected to government tests, Mike Harris says, "Let them boil their water"; he says, "Let them bring bottled water." That's what Mike Harris says.

Why are you remaining so stubborn on this point? Why won't you do the right thing? Why won't you hire 100 inspectors and enforcement officers and send them out today to make sure that today our water in Ontario is safe? Why won't you do that?

**Hon Mr Harris:** I certainly appreciate the question and the advice of the member. I appreciate his interest and concern, which we all have, in this matter. With regard to the first part of the question, when he on behalf of the Liberal Party called for an all-party committee, we responded favourably. We said yes, we would do that and give them full power to investigate. When he flip-flopped and said, "No, I don't want to be involved; I don't want my members involved; I won't co-operate with what I first asked for, Mr Premier," I said, "You know what? Walkerton is too important." We ignored the flip-flop and said, "Then we'll have a judicial inquiry." Both, I indicated, would have full powers to get to the bottom of the matter, but when you reneged on your initial commitment to the legislative committee, I was happy to respond with the judicial inquiry.

With regard to the specific recommendations, I think they will be helpful to the—

**The Speaker (Hon Gary Carr):** Order. The Premier's time is up.

#### CORRECTIONAL SERVICES

**Mr Dalton McGuinty (Leader of the Opposition):** I have another question for the Premier. It touches another important aspect of public safety. Today we have more proof that when it comes to crime, you are continuing to fail to protect Ontarians. We learned through freedom of information that you have a habit of releasing prisoners from Ontario jails before their time has been served. I'm not talking about early release on parole here. I'm talking about Mike Harris's early release program. In the last three years 40 prisoners, many of them dangerous, were released when they should still have been in jail—all this,



Premier, on your watch. Why are you giving dangerous prisoners in Ontario get-out-of-jail-free cards?

**Hon Michael D. Harris (Premier):** I think the Minister of Correctional Services can respond.

**Hon Rob Sampson (Minister of Correctional Services):** I'd be happy to respond. In fact, I responded to that question as it was raised by one of our caucus colleagues yesterday in this House. What you're referring to is the measurement of statistics of people who are unlawfully released from jail. That's a statistic we started to monitor after we took government that you failed to do when you were in government and the NDP failed to do when they were in government.

I say to the Leader of the Opposition—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Member for Windsor West, come to order, please.

Sorry for the interruption. Minister of Correctional Services.

**Hon Mr Sampson:** I say to the Leader of the Opposition, you and your party have been relentlessly against our establishing standards for the correctional services of this ministry. We are going to establish standards that deal with safety, security, effectiveness and efficiency of the corrections system in this province and we'll do it—

*Interjections.*

**The Speaker:** Order. The minister will take his seat. We'll just wait.

Supplementary, leader of the official opposition.

1420

**Mr McGuinty:** We already know what the government's standards are when it comes to the Mike Harris early release program. Over the course of the past three years, you let 40 dangerous prisoners out early. Listen to some of the charges under which these prisoners were convicted: aggravated assault, assault causing bodily harm, assault—resisting arrest, assault with a weapon, possession for the purpose of trafficking, robbery, traffic in a controlled narcotic, trafficking in narcotics, unlawfully at large—all of this on your watch. You're the people who are going to be tough on crime. This is tough? You show them the door and you say: "Have a nice day. Here's a get-out-of-jail-free card." Are those the kinds of standards you bring to Ontario when it comes to protecting Ontarians from crime and criminals?

**Hon Mr Sampson:** I find the leader's question—

*Interjections.*

**The Speaker:** The member will take his seat. Member for Hamilton East, come to order, please. Now you know what I have to put with some days, Mum.

Sorry for the interruption. Minister of Correctional Services.

**Hon Mr Sampson:** I find the theme of the leader of the official opposition's questioning quite amusing because only two weeks ago the critic for this ministry stood in front of one of our detention centres and declared that the correctional system in this province is a model for other jurisdictions to follow. That came from

the mouth of the critic for corrections, the very member of your caucus.

I disagreed with him because we need to change corrections in this province to get tough on crime, to get tough on criminals, and to establish standards of safety and security, effectiveness and efficiency that are accountable to the people of this province. You don't want to do that; we do.

**Mr McGuinty:** I guess now we have the real definition of "safety and security" for Ontario communities when it comes to prisons and prisoners. You're talking about letting out 40 people on the Mike Harris early release program during the course of the past three years—40 dangerous offenders. One of them was out for—just wait for this—292 days before the police could catch up with him. These aren't releases that have been prompted by judges or early release programs or parole. It's been prompted by your incompetence, pure and simple. That's what we're talking about here.

You may want to joke about this, but think for a moment about the victim of crime, somebody who was assaulted who learns today that the individual who was convicted and sent to jail by a judge for a specified period of time was let out on Mike Harris's early release program and received a get-out-of-jail-free card. That's your plan, that's your program.

So tell us once again, how is it you can stand up with a great sense of pride and assure all of us that you're doing everything you possibly can here in Ontario to protect us from prisoners when you've let out 40 during the course of the last three years on the Mike Harris early release program?

**Hon Mr Sampson:** I thank the leader of the official opposition for the question because it allows me to stand up yet again and say that we are coming forward with tough new standards that will improve the performance of the corrections system in this province.

You are apparently happy with that. I don't—

*Interjections.*

**The Speaker:** We're not going to continue if the members choose to shout across the aisle when the minister is trying to answer. We just can't continue. I can't hear what he's saying, and quite frankly no one can hear what anybody's saying; it's just a dull roar.

Sorry for the interruption. Minister of Correctional Services.

**Hon Mr Sampson:** I think it's quite clear what the Liberal position on early release is. All we have to do is to look to your federal cousins in Ottawa, who have a release quota for parole. They legally let people out when they shouldn't be out. That's the Liberal position on release from correctional systems in this province and this country.

We categorically deny that. In fact, I'm proud to stand in this place and say parole under this government has dramatically lowered and—

*Interjections.*

**The Speaker:** Order. Members should know I'm at the point now of warning people. That's what stage we're at, so members should be prepared for that.

## MINISTRY OF THE ENVIRONMENT

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. I want to ask you about a cabinet document dated March 14 entitled A Cleaner Ontario, a cabinet document that I am told proposed environmental SWAT teams. It asked your government for immediate approval to hire 138 new staff in the Ministry of the Environment, including 60 inspectors, 23 investigators and 45 technical support staff. This was a proposal that I'm told came forward, as I say, on March 14, two months before the Walkerton tragedy, two months before 18 deaths.

Your civil servants were asking you in this cabinet document, I am told, for the approval to hire these additional staff because they were very worried about what was happening in terms of protecting Ontario's environment. Can you tell me, Premier, why this cabinet submission was turned down?

**Hon Michael D. Harris (Premier):** To the best of my knowledge, you were told wrong.

**Mr Hampton:** What I've been told is that the document says that the existing Ministry of the Environment inspectors and investigators are fully committed to the current work plan activities. Through these activities, approximately only 10% of current known sources of pollution are inspected annually. Taking staff away from these activities would result in slippages; ie non-enforcement. The option of increasing the existing staff, using the existing structures and delivery approach to get to a level where all sources of pollution are inspected annually, would require in excess of 500 new staff.

The case is made for 500 new inspection staff, but the option that is put forward, the SWAT team option, asks, as I say, for 138 new inspectors, investigators and enforcement staff. As the core business outcome, it cites cleaner water, quality of drinking water, communal water supplies that provide access to safe drinking water to Ontario residents.

Premier, it's a very specific cabinet document. Can you tell me why your government turned down a request by Ministry of the Environment staff two months before Walkerton for the vitally necessary staff to protect our drinking water?

**Hon Mr Harris:** As with a lot of the opposition information, it's just totally incorrect and not true. We did not turn down any request on the date. I don't recall the cabinet document, but I have a little signal from the Minister of the Environment. He knows nothing about it, I know nothing about it, cabinet knows nothing about it, so obviously somebody made it up.

I can tell you that we have been looking at the requirements for the Ministry of the Environment. We've been looking at the legislation. We've been looking at regulation. I have announced, as you know, that we've appointed Valerie Gibbons to assist with the total management review of the Ministry of the Environment. I have indicated that some have called for 99, some have called for—somebody somewhere, you say, gave you a

phony-baloney document and said 128. If 300 people are required, then that's what we will retain and hire.

As I've said, we have given absolute carte blanche to the Minister of the Environment, following the reviews, to hire whatever people it takes and to assign whatever responsibility is required to ensure we have absolutely the safest water, the cleanest air and the cleanest land anywhere in North America.

**The Speaker (Hon Gary Carr):** Final supplementary.

1430

**Ms Marilyn Churley (Broadview-Greenwood):** This document was so specific that it had a proposed cabinet minute attached to it. Premier, you have received warning after warning and you did nothing. Now we know your own cabinet submission told you that the majority of people had no confidence you were protecting their water. It said you needed to hire at least 500 new staff right away in order to increase inspections of all sources of pollution. It said you are so far behind in environmental protection that even if you had approved and implemented all of the recommendations, your government was still not able to deliver on your commitment that Ontario has the toughest penalty structure in Canada for environmental offences.

This cabinet submission warns you that if you do not do what they recommend, it may draw attention to your perceived poor track record on enforcement and prosecutions. Is that the reason you didn't approve this? If so, Premier, this is no time to worry about your reputation. It is time to repair it. Will you immediately hire the 500 staff recommended by your own Ministry of the Environment?

**Hon Mr Harris:** As I've already indicated to you, you've got a phony-baloney cabinet document that somebody has given you for whatever purpose. Second, I have already made the commitment that we would hire whatever staff are required, that we would want to do that. I appreciate your advice. I suppose, because you want us to hire 500 immediately, you care five times more about the environment than the Liberals. I don't know how you guys measure success. Clearly we faced a major tragedy in Walkerton. We have promised that we will fully investigate that and address that all across the province.

There was mention of a SWAT team. It was in a Blueprint document we took to the people of Ontario in 1999. We committed to bringing in an environmental SWAT team, so it would be no secret they were looking at that. But the document you have is as phony as a \$3 bill.

## CASINO NIAGARA

**Mr Peter Kormos (Niagara Centre):** To the Attorney General: Two years ago Stanley Beck was appointed to inquire into the circumstances around the awarding of the Niagara Casino project after allegations of serious conflicts of interest were raised throughout the province.



Mr Beck determined there was no conflict because the information he had at the time indicated that the business relationship between Michael French of Coopers and Lybrand, the casino corporation's consultant, and Andrzej Kepinski, who was involved in the winning bid, had ended before the bids were opened.

Earlier today we delivered to your office documents that illustrate clearly that the business relationship between Mr Kepinski and Michael French of Coopers extended far behind the April 30 date. We believe this information should be taken very seriously. We believe, as well, that it should be investigated. What steps are you going to take to get to the bottom of this?

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** To the member opposite: I have his letter that was delivered this morning—I just saw it a few minutes ago—in which he says he's "enclosing documents that I believe call into question the conclusion reached by Stanley Beck in his report of August 1998." I have Mr Beck's report here from that time, and as the member knows, among other conclusions, Mr Beck concluded that the Niagara Falls bidding process was detailed, complex, open and fair, and that the selection of Hyatt as the winning bidder was, in his words, "beyond reproach."

I understand that the member opposite feels this information he has enclosed with the letter may be information or documentation that was not available to Mr Beck. I have no idea whether that's so or not, but I will certainly, on behalf of the government, forward these documents to Mr Barbaro, the CEO of the Ontario Casino Corp, so that, as he did before in 1998, he can pass them along to Mr Beck, review them with Mr Beck and report further.

**Mr Kormos:** Attorney General, the project involved detailed, complex bids. It also involves hundreds and hundreds of millions of dollars of profits. This matter, as you know, was a scandal in 1998. It involved individuals such as the Latner family, major contributors to the Conservative Party, and Leslie Noble, who acted as a consultant. The Beck report appeared to put the matter at rest, but the documents we have delivered to you today clearly indicate that Mr Beck did not have this information that indicates the relationship between Michael French of Coopers and Lybrand and Andrzej Kepinski lasted well beyond the April 30 date of opening the bids. We demanded a full public inquiry. It appears that Mr Beck, among other things, may well have been misled—grossly misled—in the course of his investigation and had information purposely withheld from him. This aggravates the scenario far beyond what it was, sir, in 1998.

I submit that you should be asking your deputy minister to refer this matter—the matter of misleading Mr Beck, obstructing his investigation and attempting to conceal a serious interference in what should have been a fair bidding process—to the police for a full investigation. Will you instruct your assistant deputy minister to do that?

**Hon Mr Flaherty:** What he has sent to me are some documents that he says in his letter to me he believes call into question the conclusion reached by Mr Beck. It seems to me that the reasonable course of action is to pass the documents on, through Mr Barbaro, to Mr Beck and ask Mr Beck to report with respect to whether these documents would alter his conclusion. I would remind the member that his conclusion back in 1998, after he had thoroughly reviewed the matter, was that the selection of Hyatt as the winning bidder was beyond reproach. I will do that on behalf of the government. I'll refer the matter, through Mr Barbaro, back to Mr Beck and ask him to report.

## WASTE DISPOSAL

**Mr David Ramsay (Timiskaming-Cochrane):** I have a question for the Premier this afternoon. Yesterday your government made a sudden 180-degree turn in regard to Toronto garbage. It has been your policy, and you have stated on countless occasions, that garbage is a municipal issue. You repealed Bill 163 that restricted the export of waste to other municipalities and disbanded the Interim Waste Authority, returning responsibility for waste to regional government. You've gutted the Environmental Assessment Act to ensure more landfill sites would be approved. You scoped the EA hearings for the Adams mine proposal to facilitate its proposal.

Every action you've taken over the last five years has encouraged Toronto to select the proposal of your friend, Gordon McGuinty, as put forward for the Adams mine. Now, as Toronto nears its final decision and it appears you may not ship garbage north, you threaten to intervene by stopping Toronto from developing its own solution. Why this massive provincial intervention into a municipal matter now? Isn't it because you want Toronto garbage to go to your friend's dumpsite?

**Hon Michael D. Harris (Premier):** I don't know why you would bring up a relative of your leader, who has a proposal in conjunction with a number of other parties before the Legislature, but I assure you the fact that he is related to your leader has no bearing on any decision or any action that our government would ever take.

Let me assure you that we do not plan to involve ourselves in any of the selections of any of the sites. What happened unfortunately, as you will recall, in the 1980s was that municipalities delayed finding decisions to an extent that the Liberal government of the day—it's not because it was Liberal; it had built up over a period of time—had to step in and try and impose solutions. Then the New Democratic Party had to step in and try and impose solutions. We have worked hard to ensure that municipalities understand the rules and commitments and make intelligent, informed long-term decisions.

In the case of Keele Valley, a commitment was made to the residents of Vaughan and York region that 1992 would be the last date—and lots of notice for that to find alternatives—for dumping garbage on the Oak Ridges moraine. We intend to make sure that's the case.

**Mr Ramsay:** The city of Toronto has a certificate of approval that allows them to finish up with that dumpsite with a certain quantity of garbage, and they are not asking to extend that amount of garbage. This is really a purely political play to enrich your friends and supporters and to save seats in the York region. In fact, you specifically mentioned the Adams mine proposal today in a scum this morning. I wonder why you happen to have singled out this proposal and to be so interested if it's a municipal issue and the province isn't supposed to intervene.

Let's look at the reasons: First, the Adams mine proposal is the pet project of a good, long-time North Bay friend, as I mentioned, Gordon McGuinty. Second, strong financial supporters of you and your party in Nipissing, in my riding, Timiskaming, and in the 905 seats north of Toronto are partners and shareholders in this proposal. Third, Al Palladini wants Keele Valley closed. Fourth, Ontario Northland Railway, which your government owns, will benefit, as will the economy of North Bay in your riding, where the railway is based. If you're so concerned about the environment, will you undertake to develop parallel legislation that would protect the groundwater of the Timiskaming farm region, or are you only going to make sure the garbage goes to a Liberal riding and not where it's going to be voting Tory?

1440

**Hon Mr Harris:** I think the member knows there is a consortium of the Ontario Northland and the CNR and a number of companies, and a proponent who is related to your leader, which has no bearing on any of the decisions involved. We have not been involved in any of the decision-making on environmental approvals or assessment. They've all been handled independently, and we are making no decisions on who the successful proponent would be.

But we do expect municipalities to act responsibly and find long-term solutions. Clearly, a commitment was made five years ago by me personally while campaigning, I believe by your party as well, as I recall, that we would respect that Keele Valley would be closed on time and within the lift constraints and within the capacity. The date of 1992, we understood, was agreed to, certainly by me and by our party. Unlike your party, we keep our word when we make a commitment.

I understand there is a proposal now that talks about the profit that Toronto makes by continuing to dump garbage on the Oak Ridges moraine. We don't think that's in the interest of the environment. We don't think an extension of having six more years of garbage dumped on the Oak Ridges moraine so the city of Toronto can make a profit makes sense. Any other option is—

**The Speaker (Hon Gary Carr):** Order. I'm afraid the Premier's time is up.

#### PRIVATE UNIVERSITIES

**Mrs Brenda Elliott (Guelph-Wellington):** My question is for the Minister of Training, Colleges and

Universities. I took note recently that you announced that the province would be moving forward to allow private universities to operate in Ontario. Clearly, our government believes that this is good news for Ontario, that it will provide more opportunities for Ontarians to learn and will complement our publicly funded institutions. The opposition claims that private universities will have a negative effect on our public institutions. They clearly lack faith in our public system.

In taking this action, our government has expressed confidence in the track record of our public institutions, and we've also increased funding to ensure that they can compete with the best in the world. Minister, constituents in my riding have asked me about this initiative. Could you explain to the House the government's reasoning in allowing private universities to operate in Ontario?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities):** We are totally committed to excellence and choice for our students in post-secondary programs across this province, no matter where they live. In fact, private degree-granting institutions in Ontario will complement our excellent public post-secondary education system. Our universities right now welcome competition, and these private universities will be funded by private money. To ensure quality, we will be establishing a quality assessment board, and this board will assess both applied degrees that will be allowed by our colleges and degrees that will be allowed by institutions inside of Ontario and outside of Ontario. In fact, out students are needing these kinds of applied degrees to be competitive in the global economy, they're required for their future work, and we support them fully.

**Mrs Elliott:** Minister, presently four provinces—British Columbia, Alberta, New Brunswick and Manitoba—allow private universities to operate. From all reports, the quality of their public institutions hasn't been negatively affected—in fact, the opposite. I understand that you have sought the input of a variety of concerned individuals and groups on this issue through a consultation process. Would you please share with my constituents and with members of the House an update on the consultations you have taken regarding establishing private universities.

**Hon Mrs Cunningham:** I'd like to thank the member for her observations. Over the past two months, we've had the opportunity to meet and consult with more than 150 individuals across Ontario representing public universities, colleges, academics, private colleges, student groups, labour, business associations, and the list goes on.

The consultation documents have been posted on the ministry's Web site for public review and feedback, and so far, to this moment, we've received more than 2,500 hits.

We continue to hold one-on-one meetings with groups that have specific interests or recommendations that they want to share with us. Almost 50 organizations have taken the time to prepare written submissions, and we've had encouragement by the large number of people who



are totally interested in our students and the opportunities they have for more choice, no matter where they live, right here in Ontario.

We have consulted broadly, we have consulted with those who have asked to be consulted with and we have reached out.

### AIR QUALITY

**Mr James J. Bradley (St Catharines):** I have a question for the Minister of the Environment. Minister, I attended Toronto's first-ever smog summit this morning. I was there in anticipation of some momentous announcement by you as to direct action that would improve the air quality in this province, and was deeply disappointed, as was virtually everybody else there, that we had no such announcement.

So let me give you a chance today to make such an announcement, which I will applaud if you agree to do right now—guaranteed. Will you now tell the House and the people of Ontario that within three years you will have all coal-fired plants in Ontario converted to natural gas? As you know, at this time they spew forth all kinds of toxic-soup pollution all over Ontario. In this area particularly, you have Nanticoke and Lakeview, which is a given you should be converting right away. I expect a big announcement. Will you now guarantee that you will do that? It's very easy—yes or no—and if you do so, all of Ontario will applaud you.

**Hon Dan Newman (Minister of the Environment):** Indeed, I did attend the smog summit today at city hall. It was an excellent event. It was organized by Jack Layton, a Toronto city councillor, and the Toronto Environmental Alliance, as well as others. The federal minister, David Anderson, was there along with another federal minister, David Collenette. I attended as well. It was an excellent event to exchange ideas and to discuss what was happening.

I did announce the executive of the anti-smog action plan that has been put in place. These individuals are going to help ensure that the reductions this government wants to see with respect to smog emissions happen.

I also made an additional statement regarding what Ontario Power Generation has done. Effective January 1 of this year, on smog alert days, they are going to use the Lennox plant before they use the Lakeview plant in Mississauga.

**Mr Bradley:** I'm hearing—and I say this kindly—the same weasel words and manoeuvring and skating that I heard this morning in his speech.

*Interjections.*

**Mr Bradley:** Well, they are weasel words, because what you're saying is that you're not prepared to commit today to convert those coal-fired plants to gas, which is the best thing you could possibly do.

**Hon David Turnbull (Minister of Transportation):** Why didn't you do it when you were the government?

**Mr Bradley:** I hear the Minister of Transportation, so I have a second proposal for you as the Minister of the Environment. Your Minister of Transportation, along

with the Treasurer, took all the money away from public transit, all that money that was helping GO Transit and municipalities across Ontario. You took it all away. As Minister of the Environment, this is your chance to make a big announcement now. Will you announce, on behalf of the government, that as Minister of the Environment you will recommend that the government return the funding that was in public transit before, that you will massively invest in public transit, so we have an alternative and can reduce smog in this province?

Never mind Stockwell and Clement; they're in enough trouble now. Just you.

**Hon Mr Newman:** First off, if he's going to talk about weasel words, he shouldn't be talking about what happens in his caucus meetings.

First and foremost, I think it's important to keep in mind that this government gave \$829 million to the city of Toronto, to the Toronto Transit Commission, for the Sheppard subway. That's a public transit project.

You should also know that today I indicated we were successful in lobbying the federal government to agree to obtain a commitment from the United States to reduce emissions. We've said, in fact, that over 50% of the smog that comes into Ontario originates in the United States, and there are parts of Ontario where 90% of the smog originates in the United States.

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### LANDFILL

**Mr Steve Gilchrist (Scarborough East):** My question is to the Minister of the Environment. I was very interested in your answer yesterday about the Keele Valley landfill. I've been reading about the city of Toronto's reaction to your announcement, and, quite frankly, it's obvious to me that the city's interests are strictly financial and they don't take into account the interests of the citizens of Vaughan.

In light of all the issues facing your ministry right now, why is resolving the Keele Valley landfill site such a high priority?

**Hon Dan Newman (Minister of the Environment):** I'd like to thank the member for Scarborough East for the question. We indeed made a commitment in 1995 to the residents of Vaughan, and we intend to honour that commitment. All along, we have done what we said we would do.

Unfortunately, the city of Toronto has stalled and delayed when it comes to this issue. We know that the city has some tough decisions to make. They have the proposals on the table, and we would encourage them to seriously look at long-term solutions to this problem, as they said they would do over five years ago.

**Mr Gilchrist:** Minister, we heard from the former Minister of the Environment opposite comments such as "weasel words" and "politicking." If I've seen anything that falls into that category, it's their johnny-come-lately defence of the Oak Ridges moraine. They didn't know where the moraine was before last—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. I say to members on both sides, it's not helpful using words like that. If I have to get up, I will. All members are honourable. We don't need to start getting into name-calling on top of everything else. We can get our points across using language that everybody understands. We're all honourable members here. Quite frankly, as you know, that's one of the reasons we refer to people by their ridings, because you come here to represent the people. When we throw words around here, it is a reflection on the people of that riding as well, so I would encourage members on all sides to think about the language they use.

The member for Scarborough East.

**Mr Gilchrist:** I'm sorry if using that word when the member for St Catharines was not asked to withdraw it was inappropriate. But I find it ironic that the city of Toronto on the one hand claims it wants to protect the moraine from development—and, to their credit, gave some money to its defence—but then, on the other hand, want to continue collecting a profit for another four years by dumping tonnes and tonnes of garbage on the very same land. They can't have it both ways.

Minister, what is your advice to the city of Toronto councillors who are considering the issue of the Keele Valley landfill and further dumping on the Oak Ridges moraine?

**Hon Mr Newman:** Garbage is indeed a global problem. If we want our children to have a planet that is worth inheriting, we have to make sure that we use the three Rs: reuse, reduce and recycle. Each of us must take some responsibility.

The Keele Valley landfill site sits on the Oak Ridges moraine and close to the sensitive headwaters of the Rouge River. This is not only a serious environmental issue; it's a quality-of-life issue. I heard today that children can't play in their schoolyards for fear of being swarmed by seagulls, and this is wrong. Closing the dump is the right thing to do, and we hope the city of Toronto will indeed do the right thing, but if not, we're prepared to look at other options.

#### DOMESTIC VIOLENCE

**Ms Frances Lankin (Beaches-East York):** My question is to the Premier. Yesterday, Gillian Hadley, a mother of three, was murdered in her Pickering home by her estranged husband. Her death marks the third time this year in the GTA that a woman has died at the hands of her violent partner—the third time that we know of.

Gillian Hadley's estranged husband made no secret that his wife's life was at risk. He had been charged twice this year with assaulting her. He had been released twice on conditions that were supposed to prevent him from stepping a foot near Gillian Hadley. But bail conditions alone were clearly not enough to prevent this tragedy.

Your government calls regularly for tighter restrictions on parole, and yet this person was released twice, after assaulting her twice and violating conditions. He was released again, and the results are tragic.

Let me ask you, how on earth in Mike Harris's Ontario did Gillian Hadley's estranged husband ever manage to get bail a second time?

**The Speaker (Hon Gary Carr):** Premier?

**Hon Michael D. Harris (Premier):** I think the Attorney General can respond.

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** The events yesterday in Pickering are tragic. They are within the region that I and other members on this side of the House represent—very sad circumstances, obviously, in what we know about what transpired yesterday. Our condolences go to the family and friends affected by this tragedy.

The member opposite is absolutely right: Domestic violence is a very serious crime and is not tolerated in Ontario. We've taken a leadership role as a government with respect to dealing with domestic violence, in particular by the expansion of domestic violence courts in Ontario. We moved from eight to 16, and in the most recent budget to 24. That's not just creating another type of court; that's creating a structure where people who have difficulty controlling their anger and their reaction to domestic discord can be moved through the system in co-operation with the social service agencies, with specialized crown attorneys, with specialized court staff, with experienced judges so that the type of tragedy that apparently occurred yesterday can be avoided.

**Ms Lankin:** Minister, these two people were already in your system. The estranged husband was already in anger management. I'm telling you he was charged with assault in January and released on conditions to stay away from her. He was charged again in February with assault and with violating those conditions. He was released again on bail with more conditions. All of your rhetoric about defending victims meant nothing to Gillian Hadley.

Why is it that a violent offender who violates those conditions to stay away from his victim gets a second chance in this province? There should be no second chance. What are you going to do make sure there are no second chances for these violent partners to go out and kill?

**Hon Mr Flaherty:** The bail hearings the member refers to are a matter with respect to which I can comment as Attorney General, since the agents of the Attorney General, the crown prosecutors, represent the interests of the people of Ontario and often speak for victims at those hearings. Indeed, in these circumstances, I'm told through the local crown attorney, on the second hearing that took place the crown prosecutor opposed bail being granted. Those decisions, as the member opposite should know, are then made by the presiding judge, not by the crown.

#### IPPERWASH PROVINCIAL PARK

**Mr Gerry Phillips (Scarborough-Agincourt):** Mr Speaker, my question is to the Premier and I wonder if a page would take that to the Premier. Today, as you know,



is National Aboriginal Day. It has been almost five years since the shooting death of Dudley George of our First Nations at Ipperwash Provincial Park. That entire event was tragic and a black eye for Ontario. Several extremely serious questions were raised, including the role of you and your cabinet.

The only way to find out what really happened at Ipperwash is with a full public inquiry. We have examined carefully the terms of reference you gave Justice O'Connor for the Walkerton inquiry. They provide an appropriate model for an Ipperwash inquiry. We have sent those proposals to you right now. The question is, now that you have determined how the Walkerton public inquiry can proceed and not interfere with matters before the court and protect matters before the court, will you today finally agree to a full public inquiry on Ipperwash, using very similar terms to the Walkerton inquiry?

**Hon Michael D. Harris (Premier):** I didn't get a lot of notice of this, but I'm happy to send these to the Attorney General. If and when all court actions are disposed of, and if and when at that point in time it's deemed appropriate, and if and when a judicial inquiry is the best way to proceed, then I appreciate your advice.

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**Mr Phillips:** The Walkerton terms of reference, Premier, provide for protection for people in matters before the court. It's spelled out very clearly. I assume that the Walkerton inquiry will continue to proceed if criminal charges are laid. You have spelled out in detail how an inquiry can proceed.

The matters at Ipperwash are serious and, frankly, involve you and your cabinet in very serious allegations, with much public evidence of inappropriate behaviour. The only way Ontario will get a full public explanation of this is with an inquiry. You determined the terms of reference at Walkerton. We've examined them. They provide a model, Premier.

If you want to do the right thing, the decent thing and remove this black eye from Ontario, you will today commit to holding a public inquiry so we can finally get the truth about this sad episode at Ipperwash. Will you agree, using the very terms that you proposed at Walkerton, to commit today to a full public inquiry at Ipperwash?

**Hon Mr Harris:** I appreciate the advice. If at the time it's appropriate, I'd be happy to pass it to the Attorney General.

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** In the terms of reference in the O'Connor inquiry, I think the honourable member must be referring to the term that says, "The commission, in the conduct of its inquiry, shall ensure that it does not interfere with any ongoing criminal investigation or criminal proceedings, if any, relating to these matters." That doesn't tell the commissioner how to make a decisions about that, if and when that issue comes up in the O'Connor inquiry.

The reality is that there are no criminal proceedings with respect to Walkerton. There is a serious criminal

proceeding en route to the Supreme Court of Canada from the Ontario Court of Appeal now in the Ipperwash situation, which is a fundamental difference, which I would think the member opposite would appreciate.

## STROKE STRATEGY

**Mr Bert Johnson (Perth-Middlesex):** My question is for the Minister of Health. As you're aware, strokes are one of the leading causes of death and long-term disability in Canada. In fact, the incidence of stroke is expected to rise by more than 30%—if I can interrupt the member for Scarborough-Agincourt.

Minister, constituents in my riding are quite interested in your recent announcement regarding the development of a provincial stroke care strategy. How will this strategy prevent and treat the incidence of strokes? Is there a public education component to the strategy to help raise awareness of deadly stroke symptoms?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** Yes. On Monday this week we did release the information regarding a stroke strategy for the province of Ontario. Our government is committing \$30 million to ensure that the incidence of stroke in our province does decrease. As the member has indicated, it is the third leading cause of death and it is the leading cause of disability in Canada. Our strategy will ensure that we are able to provide a continuum of care.

For a long time, there has been certainly a concentration on rehabilitation. But we know today, and the medical community has indicated, that we also need to take a look at what we can do in the way of prevention. There are significant resources and information that can be made available. A very large component of the strategy will be to raise the public awareness, because people today don't have knowledge of the symptoms. We will be making this information available.

As I say, it is anticipated over the next five years that we'll be leading the world as far as the strategy is concerned. We have the potential to save 9,900 lives.

**Mr Johnson:** I think the aim of the program is to help those 8,000, and prevention seems to me to be a lot better than a cure.

When can we expect the stroke care strategy to be implemented, and what other groups and agencies is the ministry working with in the development and implementation of the strategy?

**Hon Mrs Witmer:** The working group that prepared the report for us was made up of many stakeholders throughout the province of Ontario. In fact, the report wouldn't be at the point it's at today without the type of collaboration and partnership that we experienced. In particular, the Heart and Stroke Foundation of this province has worked very hard and very collaboratively with the Ministry of Health and Long-Term Care.

Over the course of the summer, we will be identifying the implementation plan as to how we're going to follow through on all of the recommendations in order to ensure that no matter where you live in Ontario, you will have

access to a regional centre, you will have access to a continuum of care and we will be able to treat stroke victims as quickly as possible.

### GREENHOUSE GAS EMISSIONS

**Mr Dominic Agostino (Hamilton East):** My question is for the Minister of the Environment. The Swaru incinerator in my riding of Hamilton East last year produced dioxin emissions six times higher than allowed under current provincial standards. The level of dioxins out of the incinerator are about 15 years out of date. Dioxins are associated with cancer and other serious health effects.

Your ministry has been requested a number of times to review this by area residents and the region has been asked to review this matter by area residents. We're now at a critical situation where residents in the area are fearful, they're afraid. In view of what has happened in Walkerton, they fear for their health and their safety. In view of the fact that we know dioxins cause dangerous health effects, including cancer.

Minister, I'm going to ask you very clearly: What steps are you taking today to ensure that the Swaru incinerator in Hamilton—with levels that are now 15 years out of date and emissions that are six times higher than allowed under your regulations—is brought into line with provincial standards?

**Hon Dan Newman (Minister of the Environment):** I can assure the honourable member it's an issue that is taken seriously. We want to ensure that provincial standards are adhered to in this province, whether it be for water, for air, for incinerators or land. It is, indeed, a serious issue and the ministry will be looking at that.

**Mr Agostino:** It's obvious you're totally clueless as to the problem. You were asked a month ago, under the Environmental Bill of Rights, to ask for a provincial review into Swaru. You stand here today and give me some standard answer that's in your book there, not having a clue what Swaru is all about. You were asked a month ago for a review. You have not yet given a response.

The emissions are six times higher than allowed under your own provincial regulations. That is a danger to people's health. Swaru is located in the middle of a residential neighbourhood. It's in the east end of Hamilton. Unfortunately for you, if it was one of your Tory-held 905 ridings, maybe you would act. But the reality is that those people are affected every day by those emissions.

You've been asked to act, and you haven't. You were asked for a provincial review under the Environmental Bill of Rights. You have not responded. Will you stand up today and commit to a provincial review of the Swaru incinerator under the Environmental Bill of Rights? You have the power to do it. You have the power to stand up now and say yes. Will you do that to ensure the health and safety of the people living in the east end of Hamilton?

**Hon Mr Newman:** That's an absolutely ridiculous statement from the member opposite. To somehow imply that the riding someone represents has a role in decisions being made is absolutely ludicrous. We take the protection of the environment in this province very seriously, whether it be the water, the air or the land. It also includes incinerators. These are issues that are very important to this government and to me as minister.

### ST CLAIR PARKWAY COMMISSION

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** My question is for the Minister of Tourism. As you are aware, we have a situation in the riding of Lambton-Kent-Middlesex which has been ongoing for eight or nine years between the former city of Chatham and the St Clair Parkway Commission whereby the former city of Chatham refuses to pay its levy to the St Clair Parkway Commission.

You stood in the House three weeks ago and you stated that you were very close to having this problem resolved regarding the issue between the now city of Chatham-Kent and the St Clair Parkway Commission. Could you please give us an update as to where the negotiations are?

**Hon Cameron Jackson (Minister of Tourism):** I'd like to thank my colleague and to acknowledge his leadership as the local member in trying to resolve this issue, which has gone on for almost nine years. He has been very helpful in fine-tuning the issues and making sure that we came to an equitable and fair resolution between the two municipalities and the parks commission.

I'm pleased to report that an agreement in principle has been reached, that both municipalities have agreed, that Chatham-Kent has agreed to pay its back levies to the taxpayers and to the commission. The agreement calls in the future to transfer Marine Park and McDonald Park to the community of Chatham-Kent. We can assure all the tourists and residents in the area that services will not be disrupted this summer.

I'll also indicate a promise I made that, because of the national and provincial historical significance of Uncle Tom's Cabin, this property would not transfer out of our ministry's responsibility.

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**Mr Beaubien:** Thank you, Minister. I would like to congratulate you for finally reaching a conclusion to this problem that's been ongoing for a number of years—under different governments, may I add. With regard to the solution you've reached with the St Clair Parkway Commission and the Chatham-Kent municipality, where do you see the role of your ministry and the St Clair Parkway in the future?

**Hon Mr Jackson:** As you know, our Premier committed in the most recent budget to an expansion of marketing dollars for tourism in the province of Ontario. We recognize that the third-strongest industry in the Chatham-Kent area is tourism and our ministry is going



to be increasing its marketing activities in this area. We're also bringing together all the parties to expand the St Clair Parkway Commission to look at the natural beauty of the south shore of Lake Huron all the way through to Grand Bend, and to look at expanding it under a new Bluewater parks commission.

Our government has recently committed some additional dollars to study RV parks development to bring more Americans into this area, because Sarnia is one of the most important gateways to Ontario for our American visitors. It's an opportunity, and we believe that with the full support of the community of Sarnia-Lambton and with the local member's vision and support, we will see a significant increase in tourism in this part of Ontario.

**Mr John Gerretsen (Kingston and the Islands):** On a point of order, Mr Speaker: I seek unanimous consent to revert back to ministerial statements so that the Minister of Labour can make a statement with respect to the future of Bill 69.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? I'm afraid I heard a no.

## PETITIONS

### HOSPITAL RESTRUCTURING

**Mr Dave Levac (Brant):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the health restructuring commission has slated St Joseph's Hospital in Brant to close; and

"Whereas this decision does not reflect the long-term health care interests of Brant;

"We, the undersigned, petition the Legislative Assembly to reverse the decision of the health restructuring commission as follows:

"We request that St Joseph's Hospital, Brantford, be kept open for the use and in the best interests of the citizens of Brantford and area."

I sign my name to this petition.

### SAFE DRINKING WATER LEGISLATION

**Ms Marilyn Churley (Broadview-Greenwood):** I have more petitions supporting my private member's bill on the safe water act. It reads:

"To the Legislative Assembly of Ontario:

"Whereas the people of Ontario have the right to receive clean and safe drinking water; and

"Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of public health; and

"Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

"Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

"Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

"Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) Immediately restore adequate funding and staffing to the Ministry of the Environment;

"(2) Immediately pass into law Bill 96, the Safe Drinking Water Act, 2000."

I completely agree with this petition and will affix my signature.

### KARLA HOMOLKA

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** It's again a pleasure to introduce an ongoing petition to the Legislative Assembly of Ontario.

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I'm happy to affix my name.

### HUNTING IN WILDERNESS PARKS

**Mr Michael Gravelle (Thunder Bay-Superior North):** There's great concern about the Ministry of Natural Resources' possible attempt to allow hunting in wilderness parks in this province, which we strongly oppose, and I want to read a petition related to this.

"To the Legislative Assembly of Ontario:

"Whereas the Minister of Natural Resources has confirmed that the province is considering allowing

hunting in Ontario's wilderness parks, including Quetico, Killarney, Wabakimi and Woodland Caribou;

"Whereas the provincial government made no mention of opening up wilderness parks to hunting when it came up with the Ontario Living Legacy policy last year for a vast area of publicly owned land across northern Ontario;

"Whereas the province's wilderness parks were originally established to be sanctuaries where the forces of nature would be permitted to function freely and where visitors could travel by non-mechanized means and experience solitude, challenge and personal enjoyment of that protected area; and

"Whereas opening wilderness parks to hunters undermines the principles the parks were established to fulfill, threatens animals and exposes the public to risk;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to demand that the Ministry of Natural Resources renew and reconfirm its ban on hunting in all of Ontario's wilderness parks."

I'm pleased to sign my petition. I'll give it to Riley, who's actually taller than me. I'm proud to sign this petition.

#### CHILD POVERTY

**Mr David Christopherson (Hamilton West):** I am extremely proud today to present petitions organized by the West Hamilton Interfaith Committee on Child Poverty, a dedicated group of community activists who care about the growing number of children in Ontario who are falling into poverty. The petition reads as follows:

"Petition to eradicate the hunger of poor children.

"To the Legislative Assembly of Ontario:

"We, the undersigned citizens of Hamilton and the surrounding communities, beg leave to petition the government of Ontario as follows:

"Whereas the federal government signed the United Nations Convention on the Rights of the Child and passed a resolution to eradicate child poverty by the year 2000; and

"Whereas at the first ministers' meeting in June 1996 the Prime Minister and Premiers made tackling child poverty a collective priority; and

"Whereas Campaign 2000 records the province of Ontario as having the highest increase—116%—in child poverty since Canada's House of Commons vowed unanimously in November 1989 to eliminate child poverty;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Legislative Assembly of Ontario take immediate steps to eradicate the hunger of poor children by working vigorously with the federal government to reduce the poverty rate among Ontario's children and to follow and implement the recommendations of the Early Years study, commissioned by the Ontario government in the spring of 1998."

I am proud to add my name to those of these Hamilton petitioners in the fight against child poverty.

#### LORD'S PRAYER

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life; and

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I'm pleased to affix my signature to this petition.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr Michael A. Brown (Algoma-Manitoulin):** I have countless petitions with hundreds of signatures, mostly from the constituency of Algoma-Manitoulin.

"To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

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"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the



unfairness and inadequacy of the northern health travel grant and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

I fully support this petition.

#### STUDDED TIRES

**Mr Tony Martin (Sault Ste Marie):** I have another 350 names to add to a petition that was introduced by my colleague from Sudbury on the issue of studded tires. He has also introduced a private member's bill on this subject.

"Whereas personal safety on winter roadways would be greatly increased; and

"Whereas improved technology on studded tires has proven in other countries and provinces they will not damage the roadways—in Sweden, 80% of the population has been using the new softer studs with no damage to their roads and has cut accidents by half; and

"Whereas studded tires are used in many northern countries and all other provinces in Canada; and

"Whereas studies have proven that studded tires outperform all-seasonal and winter tires in manoeuvrability and braking on ice and snow-packed roads; and

"Whereas studded tires can save lives—"

The following petition is presented to the Legislative Assembly of Ontario, asking the government to rescind the law banning studded tires. As I said before, I have over 350 names on this petition, all people from Sault Ste Marie, and I add my name.

#### SUPPORT PROGRAM

**Mr Bob Wood (London West):** I have a petition signed by five people. It calls on the government of Ontario to increase the allowances paid to disabled persons.

#### SCHOOL CLOSURES

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** "Whereas the Kinsmen/JS MacDonald school is slated for closure,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To direct the Upper Canada District School Board to remove the notice of closure for the Kinsmen/JS MacDonald special school facility.

"Since 1963 the special education facility has adequately served the needs of those students requiring special education programs and services throughout Stormont-Dundas-Charlottenburgh.

"Presently, the Kinsmen school meets the needs of 45 children ranging from minor learning disabilities, behavioural to more complex multi-challenges."

I have also signed the petition.

#### NORTHERN HEALTH TRAVEL GRANT

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** "To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

Once again I affix my signature in agreement with 97 further constituents who add their names to this petition.

#### ONTARIO WORKS

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** My petition is to the Legislative Assembly of Ontario:

"Whereas section 12 of the Ontario Works Act requires those who are homeowners and are on assistance for 12 continuous months to consent to Ontario Works having a lien against their property;

"Whereas Ontario Works Act provisions are not flexible to adapt to the conditions of the rural work environment;

"Whereas the employment rate in rural areas is significantly higher than those of urban areas (north Hastings has an unemployment rate 17%);

"Whereas the labour/work market in rural Ontario is often seasonal, lacks benefit coverage and the part-time work rate is significantly higher than urban settings (north Hastings is 52%);

"We, the undersigned, petition the Legislative Assembly of Ontario to:

"Repeal section 12 of the Ontario Works Act; and

"Adapt the regulations under the Ontario Works Act to provide flexibility and support for the current Ontario rural labour market realities."

I affix my name very happily to this petition.

#### HUNTING IN WILDERNESS PARKS

**Mr David Caplan (Don Valley East):** I have a petition to the Legislature of Ontario:

"Whereas the Ministry of Natural Resources is proposing that Ontario's Living Legacy proposed land use strategy permit hunting in designated wilderness parks which are currently used for vacationing and recreation for the general public; and

"Whereas we believe this change in policy would endanger the serenity, ecology and remoteness of these existing wilderness parks. The Legislative Assembly does not have to wait until one innocent vacationer is shot in error until reconsidering the danger of allowing hunters into our precious wilderness parks;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To continue the prohibition of hunting in wilderness parks in order to ensure the preservation of safety, tranquility and environmental well-being."

I will affix my signature to this petition.

#### DURHAM COLLEGE

**Mr John O'Toole (Durham):** Just under the wire, as usual.

"To the Legislative Assembly of Ontario:

"Whereas we request the Legislative Assembly of Ontario to support Durham College in their bid for university status;

"We, the undersigned, petition the Legislative Assembly as follows:

"We feel for the economic well-being of Durham region a university is necessary and we strongly support of the bid by Durham College to achieve this status in the immediate future."

This is submitted by Frank Hoar, secretary for the Newcastle Lions. I'm pleased to sign and support this petition.

#### SPEAKER'S RULING

**The Speaker (Hon Gary Carr):** Today during reports by committees, a report was presented by the Chair of the standing committee on estimates relating to an appeal to the Speaker of a ruling made by the Chair of that committee.

I have carefully reviewed the report and the transcript of the committee meeting at which the appeal of the Chair's ruling arose.

As I understand the events in the committee, the member for Durham, Mr O'Toole, sought to raise a point of order with respect to an occurrence in the estimates committee at a previous meeting, June 13. The Chair of

the committee declined to hear the point of order, presumably on the grounds that Mr O'Toole's point of order was not raised in a timely manner since it related to a previous meeting. The Chair was not explicit that this was the reason, and I have to infer this from the general discussion that took place.

The issue of timeliness is important with respect to points of order. However, the matter raised by the member for Durham related to his view that a practice decided upon by the Chair at the June 13 meeting was continuing in yesterday's meeting. Therefore, the member for Durham did raise his point of order in reference to the proceedings of the committee actually in progress.

In any event, the core of the appeal as I see it centres around the civil servants from various ministries being called upon to assist in answering questions posed during consideration of a ministry's estimates. It is a long-standing practice of our estimates committee that ministry staff do attend committee meetings and are permitted, at the request of the respective minister, to answer technical and non-policy-related questions. Indeed, this specific practice was observed at yesterday's meeting. A point of clarification, however, may be helpful.

At the June 13 meeting, the issue of the ministry staff responding to questions also arose. At this meeting, the first the committee held to consider the estimates of the Ministry of the Environment, the first order of business was for the minister and the critics of the two opposition parties to make their 30-minute opening statements, followed by a 30-minute reply afforded to the minister. This process is for the mentioned members to make statements; it does not contemplate that this time is to be used to question the minister or ministry staff. If this does happen, I see no reason for the member asking the question in this period to expect or to require that answers will be given. It is a statement process, not a question-and-answer process.

Yesterday's meeting saw the committee engaged in the actual consideration of the votes and items of the environment ministry estimates. This is a much more open process, a process of inquiry. It clearly involves an ongoing exchange between the committee members and the minister's accountability for his or her ministry's estimates. As I said earlier, it is a well-established practice that ministry staff may assist the minister by answering some of those technical or non-policy questions at the minister's request.

1530

The role of the Chair comes in here: The Chair must ensure not only that there's an opportunity for oral questions to be offered and asked by the committee, but also that the answers are to be on topic and do not unduly consume the time of the committee. However, this is the Chair's role, who is presiding over the committee, and not the role of other members of the committee. The member whose question is being answered may not agree that the response is what he or she wishes to hear, but the goodwill nature of the response from ministry staff must be taken at face value. Where the Chair feels the dis-



cussion has reached an unproductive point or the time being taken is unduly wasteful of the time apportioned to a particular member, the Chair must interrupt and move the discussion along in the interest of fairness to all members of the committee. This, however, is a function of the Chair's duty to maintain order and secure the advancement of the committee's business. It is not for the Chair to do so based on his or her own views about the matter being discussed.

For the most part, however, the Chair should need to inject him- or herself into the proceedings of a committee only relatively rarely. The Chair should be an impartial, largely silent observer of the committee's proceedings who has no voice except in the case of disorder or when an imbalance in or an infringement of the rights of any member, whether of the minority or of the majority, is apparent.

I therefore concur that the committee's demonstrated and observed practice of permitting ministry staff to answer questions raised by committee members is correct.

I thank all of the members for their participation in this report by the committee.

## ORDERS OF THE DAY

### HIGHWAY TRAFFIC AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LE CODE DE LA ROUTE

Mr Turnbull moved second reading of the following bill:

Bill 91, An Act to require the mandatory reporting of severely damaged vehicles to counter motor vehicle fraud and theft / Projet de loi 91, Loi exigeant la déclaration obligatoire des véhicules gravement endommagés afin de lutter contre la fraude et le vol des véhicules automobiles.

**The Speaker (Hon Gary Carr):** Mr Turnbull has moved second reading of Bill 91.

**Hon David Turnbull (Minister of Transportation):** I believe we have unanimous consent to divide the time equally among the three caucuses and to forgo any questions and comments.

**The Deputy Speaker (Mr Bert Johnson):** Agreed? It is agreed.

**Hon Mr Turnbull:** I will be dividing my time with the members for London-Fanshawe, Guelph-Wellington—

**The Deputy Speaker:** Excuse me, Minister. I wanted to clarify for the clerks at the table what the agreement was that we just agreed to.

**Hon Mr Turnbull:** I believe that the time will be equally divided among the three caucuses and that we will forgo questions and comments.

**The Deputy Speaker:** The time is split evenly till 6 o'clock. It is agreed. Thanks very much. Sorry to interrupt, but I did want to clarify it.

**Hon Mr Turnbull:** Do you want me to point out again the people with whom I will be dividing the time? The members for London-Fanshawe, Guelph-Wellington, Northumberland and Durham.

It's my pleasure to lead off the debate on Bill 91, the Highway Traffic Amendment Act. Bill 91 will require the mandatory reporting or branding of severely damaged vehicles. This legislation is an important step in protecting consumers against auto theft and vehicle fraud. I believe it will contribute to improved road safety in Ontario as well.

Consider the following facts: Each year about 90,000 vehicles are written off in Ontario by insurance companies. Many of these vehicles find their way back on to Ontario roads through the black market. Buyers are unaware of their new vehicle, or supposedly new vehicle, being a danger to themselves and their families or others on the road.

Auto fraud and theft impact everyone who owns a vehicle and drives on our roads, through higher insurance premiums and unsafe vehicles on our roads. It's important to understand how serious this problem is. In 1998, our government established the stolen and salvaged vehicle program to deter automobile vehicle registration fraud and vehicle theft. Since the program's inception just two years ago, more than 4,600 vehicles have been branded as stolen. According to Ontario's Crime Control Commission, vehicle theft has increased by 79% in the past 12 years in Ontario, and as of 1998, 50,000 vehicles were unrecovered in Ontario. This quite simply is unacceptable.

The amendments I'm introducing will require the mandatory reporting or branding of severely damaged vehicles. Branding involves putting vehicle status information on registration documents and other information products, such as vehicle abstracts and used vehicle information packages.

This new legislation clearly makes vehicle owners accountable for the condition of their vehicles. With this Legislature's approval, the proposed legislation will enable the following:

—A Highway Traffic Act amendment to make it more difficult for stolen vehicles to be re-registered using information and parts from written-off vehicles.

—The registrar of motor vehicles will be able to amend the official records and to reissue permits classifying vehicles as irreparable and salvage.

—Salvage vehicles can be reclassified as rebuilt and fit to be driven, provided the vehicle has been repaired and the chassis, engine and doors have been inspected and are in working order.

—The ability for the vehicle's history to be clearly identified, effectively alerting purchasers of its status and history.

—New regulation-making powers to deal with items such as the question of who is required to report severely damaged vehicles.

—Further development of regulations which will put this program into effect.

Our government makes safer communities an election commitment, and safe roads are an important part of safer communities. Bill 91 builds on our track record for strengthening road user safety, a track record that includes the most stringent truck safety laws in the whole of North America; the action plan for safer roads; the Ontario Advisory Group on Safe Driving.

These initiatives are working. Ontario's roads are now the fourth-safest in the whole of North America. Road fatalities are at their lowest level since 1950. While these are encouraging statistics, I've said it many times before, we can and we simply must do better. I have frequently articulated my goal of making Ontario's roads the safest in the whole of North America. Bill 91 will bring us even closer to this goal by taking irreparable, salvaged or stolen vehicles off our streets.

Support for this initiative is strong. The Ontario Crime Control Commission has indicated that mandatory branding is an effective tool in the campaign against auto theft and fraud. The insurance industry, under the existing voluntary program, has provided extensive support.

In preparation for this legislation, we've also worked with a wide variety of stakeholders, including the enforcement community, collision repair industry, vehicle sales industry and auto recyclers. These groups are also highly supportive of this program.

1540

Once again, I'd like to thank the members for Thunder Bay-Superior North and Timmins-James Bay for their support of this legislation. I hope we can work together on future initiatives that will further crack down on crime in our communities.

All interested parties have told me that this program must be mandatory to be truly effective in promoting road-user safety and consumer protection.

Our government has made a commitment to introduce tough measures that will tackle crime and build safer roads and communities for our families. This is one more initiative introduced by our government that supports law enforcement officials in their fight against crime.

I invite all members to join me in strengthening consumer protection and making Ontario roads even safer.

**The Deputy Speaker:** Further debate.

**Mr Frank Mazzilli (London-Fanshawe):** I was listening carefully to what the minister said, and I'll just go back to my time as a member co-chair of the Ontario Crime Control Commission with the member for Cambridge, Gerry Martiniuk.

When I first was appointed to the commission in July 1999, instructions had been left with the then Solicitor General, the Honourable Bob Runciman, that the Ontario Crime Control Commission look at ways to reduce automobile theft in the province. The reason was that our automobile thefts had increased double digits over the past several years—as you've heard, they increased over the last 12 years by 79%—to the point where, in 1998,

approximately 168,000 vehicles were stolen in Canada, 50,000 of those in Ontario.

What was very disturbing was the number of unrecovered stolen vehicles in Ontario—approximately 15,000 per year. At one time, we had a recovery rate of stolen vehicles of approximately 90%. That recovery rate has, all of a sudden, fallen to approximately 65%. The unrecovered rate of automobile theft is due to crime organizations—people in this for profit. Essentially three things happen to a stolen automobile:

The first is that it's exported. We often hear about high-end vehicles that are exported abroad through certain initiatives to get them out of the country.

The second thing that can happen to a stolen automobile is a vehicle identification number switch. That is simply purchasing a vehicle that has been written off—that has absolutely no hope of ever being repaired—and then stealing the exact same automobile and perhaps switching the vehicle identification number, and all you essentially buy is the paperwork, and then going in to the Ministry of Transportation, saying that somehow you've done an incredible repair job and re-register that vehicle. That's the second thing that can happen to stolen, unrecovered vehicles.

The third thing is that they're chopped for parts and sold independently.

Although stolen automobiles are not the only unrecovered portion, there's still that 60% or 65% that are recovered that we know are predominantly youth joyriding or using stolen vehicles to commit crimes such as break and enter and so on. Those are still of enormous concern to us, because it's often that 60 to 65% that are involved in police pursuits and so on that we still need to continue to deal with.

This legislation, aside from reducing automobile theft based on vehicle identification number switches, will provide better consumer protection in many regards, one being that in Ontario at the present time, a person does not know if he or she has purchased a vehicle that has been rebuilt. There's nothing in the paperwork, on a voluntary basis, that would enable one to figure out for sure that a consumer has purchased a vehicle that had been written off by an insurance company and no standards to go with that.

With this present legislation, when a vehicle is deemed to be irreparable, it can never again be fixed in this province and can only be sold as salvage, obviously, to be used for whatever parts it can be used for.

When a vehicle is branded as salvage, it is certainly one of those that is definitely not irreparable and yet requires work to be rebuilt. So at some point it can be moved up to a rebuilt category as long as it meets all of the safety features that one would expect a normal vehicle to meet.

When we talk about consumer protection, a person who buys a vehicle that has been branded as rebuilt, that information will be readily available on the purchaser's package, purchased from the Ministry of Transportation. So a consumer would clearly know that he or she is



purchasing a vehicle that has been rebuilt and therefore knows any risks that might be associated with purchasing a vehicle that has been rebuilt. So that's the other component of consumer protection.

But I want to move to another part. Auto recyclers, many in my riding that I've spoken to, are in a situation where they've actually had to purchase irreparable and salvaged vehicles from the United States. The simple reason is because the vehicle identification numbers at our auctions are going for too much money. Why are they going for too much money? Is it because the components of those irreparable vehicles are that valuable? Well, in fact, no, they're not. The reason they're going for more money than they are worth is because people are out purchasing vehicle identification numbers because they know that after they purchase that vehicle identification number they can go out and steal the exact same make and model of vehicle and quite simply, through no repair, just put the VIN on.

When the minister made this announcement at metro police headquarters compound, I was interested that there were several vehicles in the lot. At one time, criminals actually used to take some pride in when they switched vehicle identification numbers. They used to actually take out the whole dashboard and replace it, even if it had not been damaged in any way. But I saw a couple where the vehicle identification number had actually been switched. I mean, there are some old criminals around—and I see the judge here—in this province who would be embarrassed by the quality of work that actually had gone into switching the vehicle identification numbers, the quality level. That's sad, because what that tells us in fact is that it is so easy in this province that even criminals are actually having no pride when they do this, make no attempt to re-stamp secondary numbers, make no attempt to remove the windshield so that the vehicle identification number is not damaged when they're placing it on the stolen vehicle.

I think that's certainly an alert for many of us, that it has become so easy in Ontario to re-register a new vehicle identification number that certainly no thought by criminals or even concern about being caught is there.

This legislation will certainly help in the component of stolen vehicles, which is estimated to be a large part of that 35% that's not recovered. A large part of that 35% is suspected to be vehicle identification number switches through stolen vehicles. So we look forward, through this legislation, to reducing that portion of automobile thefts out of the 15,000 a year that are not recovered. We certainly suspect that many numbers are being switched and are being sold right across this province.

When we talk about consumer protection, I already spoke a minute ago about vehicles that are legitimately repaired and sold. People will know how they are branded. But there's a second component of consumer protection here that is very important. We've heard many stories in the media and elsewhere of someone, an innocent victim, who has purchased a vehicle and then, at some time later, has found that that vehicle is in fact

stolen and they're out the monetary value of that vehicle, with no compensation. We certainly need to protect consumers the best we can by not allowing them to be able to purchase stolen vehicles.

1550

In the past, there was really no paperwork that would allow you to think that you had purchased a stolen vehicle or a rebuilt vehicle. Now the vehicle purchase package or seller's package, whatever you may call it, will clearly outline the history of that vehicle, with the various owners and so on.

Again, in the past, occasionally a vehicle had switched names to a wrecking yard. If they had actually done the switch, a trained person could look and say that in such a year this vehicle was owned by a wrecking yard. It may give them a clue that it's a rebuilt vehicle. But many times it would just go from owner to the next owner without ever being transferred to the wrecking yard, so people would have no way of knowing that this was a vehicle that had been written off and was going to be salvage.

This is an important first step, I believe, to reducing automobile theft in Ontario. The portion we're talking about reducing is the unrecovered rate of vehicles. In our Crime Control Commission report on auto theft, there are many other recommendations. I applaud the Minister of Transportation for jumping on this one and introducing legislation immediately to deal with this problem.

I spoke about the 35% of unrecovered vehicles. There's a portion that are exported. We've made recommendations in that report for Canada Customs to put what they call gamma ray X-rays at some of the ports where they can x-ray the containers leaving the country that, in many cases, have very valuable vehicles in those containers.

Throughout the consultations, many police organizations came and made presentations. The Automobile Dealers Association also came and made a presentation. One dealer, who happened to be the owner of a Jaguar dealership, lost seven vehicles in one day. They were loaded on a truck and gone. A couple of those vehicles were found, the evidence says, in Poland and a couple in Saudi Arabia. When vehicles of that sort leave this country, rarely do they come back. Even if you do pursue it and track down where they are, the cost of bringing them back becomes enormous. We certainly need to do a better job at our ports across this country to ensure that product that leaves this country is legitimate product and not stolen product. That's a recommendation.

Then there are further recommendations to deal with that 65% of what I called "recovered vehicles." That is the youth component of stealing a vehicle to go from point A to point B and perhaps commit a break and enter in between. Those are the ones that are generally involved in police chases. In our report, we addressed some changes to the Young Offenders Act and some issues on repeat offences, that young offenders with stolen vehicles be targeted and be taken seriously.

**Mrs Brenda Elliott (Guelph-Wellington):** I would just like to speak for a few moments to add my voice and

that of my constituents in the riding of Guelph-Wellington in support of this bill.

Before I begin my remarks, I'd like to say hello to a gentleman I met recently at an event in London. His name is Mr Al Plumb. He's a very conscientious watcher of the legislative channel. I was quite impressed by his dedication to seeing what happens in the Legislature. If he is watching, I would like to say hello to him from the members here in the House.

I found this bill very interesting from a consumer's point of view. A couple of years ago, I didn't realize just how extensive the whole issue of auto theft was. We happen to have a family friend who is part of a police force which was especially assigned to deal with the issue of auto theft and fraud. I was astounded when he told us some of the stories of things that have been happening here in Ontario, how extraordinary numbers of vehicles would be stolen and would be in countries thousands and thousands of miles away within hours. What that says to me is that we have a lot of people here in Ontario who are being victimized, and not just by having whole vehicles stolen, but in fact people who thought they were legitimately purchasing a vehicle from a reputable dealer who also was being defrauded, having purchased a vehicle from a firm which somehow or other—I can't comment on whether it would have been legitimately or illegitimately—found itself selling vehicles to lot owners.

Suddenly, people were phoning our constituency office because an officer had arrived at their door, indicated to them that their vehicle was thought to have been stolen and their car was being taken for investigation purposes. This poor constituent would then find themselves without the means to get to work, without means to carry on their daily activities. This would be quite a shock and could in fact result in them having no vehicle for months and months and months while the investigation occurred.

From a victim's point of view, I applaud the minister in taking forward this legislation. He is making this action mandatory. What I also noted of interest is that it's based on a national model. The government is complementing its existing road safety plan, but also working along with the other Canadian jurisdictions through what's called the Canadian Council of Motor Transport Administrators.

Time and time again we've had pieces of legislation that have come into this House where we've said: "Ontario is taking the lead. We're doing this because it's the right thing to do. We wish other jurisdictions were doing it," or more often, "We wish the federal government was doing it. They're not, so we're going to take the first step."

In this case, we're working very co-operatively. Although many maybe wouldn't think this was the most important bill, this is a bill that is going to have very real consequences for constituents in my riding, and I'm very pleased to add my support to this.

**Mr Doug Galt (Northumberland):** I certainly appreciate the opportunity to be able to address this bill,

particularly as it relates to vehicle branding. When I first heard about it, being a veterinarian, I was thinking, of course, of branding of livestock, and it took me a while with the Minister of Transportation to understand that we weren't going to brand them on the right rear fender, but rather it had to do with the vehicle identification number, the VIN.

We, as Canadians, as Ontarians, get pretty close to our vehicles. They become a very personal part almost of our being. Especially in rural Ontario, areas like Northumberland and Colborne and Campbellford, if you don't have wheels you really are not going very far, and it's important to have those wheels. Certainly you hear that from seniors. When they lose their privileges to drive, they feel pretty isolated, pretty separated. It draws the comparison to the turn of the century when people felt so close to their driving horse and it was a really close relationship. I think we've evolved that way with our cars. We have great concern about public safety, particularly with the speeds they will go and the end result of what can happen with accidents.

This is a bill that's going to improve the safety of our vehicles, the vehicles on the road, not only the vehicle that we may be driving but one that might be in a collision with us. I'll explain some of that in just a few minutes.

This bill is going to give us some assurance of the history of that vehicle we're buying, whether it be new or used or whatever. That assurance is necessary to know what kind of vehicle we're getting into, what it has been through before. We are building on that registration number, the papers that go with a used vehicle.

It's also interesting to note what came in back in July 1998, the fact that we have a designation, the VIN number, that goes on the registration, that it's been stolen. It's part of the stolen and salvaged vehicle program that was brought in at that time, and that was about fighting crime.

**1600**

It is horrendous, some of the auto theft that goes on, some of the stories we've already heard about how quickly a vehicle can be picked up, put in a truck, transport or whatever, disappear, go into a container and off to another country, never to be seen again. I guess I don't have to worry too much about that, with the old vehicles I drive. They're not at high risk to be picked up. They're looking for the big, expensive four-by-fours and Jaguars and that kind of thing.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** A new Lumina?

**Mr Galt:** New Luminas. Yes, if I could afford one of those. You're absolutely right.

But this all fits in with a national model for road safety. Bill 91 is a commitment we have made through the Canadian Council of Motor Transport Administrators and our government is following through with this particular commitment. I talked a little bit about auto theft just a few minutes ago. It's interesting to note the fact the



crime commission has been identifying, that auto theft has increased some 79% over the last 12 years. In just a little over a decade it has almost doubled. That's pretty significant. The interesting part about this is that we have little knowledge about what really happens to those vehicles. Where do they go? Yes, there are some we do identify: they're taken for joy rides and often they end up being smashed up; there are also those that are used for break-and-enters and they're there for escape purposes. Nevertheless, an awful lot of vehicles simply aren't recovered. In 1998, more than 50,000 motor vehicles were reported as unrecovered. That's a very large number of vehicles that have just sort of disappeared off into a big hole.

The member for Wellington-Guelph mentioned buying a vehicle that may have been stolen and then you find out shortly thereafter that you really don't own that vehicle. The police come in with a tow truck and off goes your vehicle. A friend of mine, actually from Guelph, had that experience, had the vehicle, I believe, approximately two and a half years and had no knowledge it was a stolen vehicle till the police knocked on their door. The vehicle was instantly taken on that weekend and he had to commute to Ridgeway on the Monday morning without a vehicle, so you can imagine his predicament on that occasion.

You know how many front-end/rear-end collisions we have. They're quite common on some of our busy roads. Once you have a car with a front end written off and another vehicle with a rear end written off, if they happen to match, some of these people, probably operating body shops, are intuitive enough to take those two vehicles and chop off the damaged parts and take the two ends that are not damaged too much and put them together, and lo and behold, you have a new vehicle—at least a new, repaired, rebuilt vehicle—and off you go.

That takes an awful lot of welding to be able to recreate this new vehicle, this new compromised vehicle. The concern we have there is that then it doesn't crumple at the same rate. Our vehicles today are designed that if they're in an accident they do crumple to a specific rate so that the passengers in that vehicle have some protection. Once parts of two vehicles are welded together, that structure is now compromised. If they're in an accident, people are at much greater risk of being injured than if they were in a car that had never been in an accident and hadn't been repaired in this manner.

It's certainly important that people understand the history of their car. I know there's a package that's now required for used cars. There is also the information that goes on in connection with stolen vehicles. But this will be a new history that we will be adding to that registration package, to the VIN.

I well recall another friend who had sold his car, actually traded his car. I happened to be in the same dealership and I noticed they were making a few minor repairs to it, so I just slipped into the driver's seat to have a look at the odometer to see what it read, because I knew the mileage that was on that vehicle. Lo and behold, it

was down to about a quarter or a third of the original mileage my friend had run up on the car before it was traded. I brought this to the attention of the dealer and he was quite red-faced, to say the least. There were really no grounds for me to say much more or to do much else at that point in time, but today obviously that could be registered. It would be a very significant change in that vehicle, and of course the new owner is going to be aware of this.

I mentioned a few minutes ago a situation where a vehicle could be rebuilt. If you follow through on some of the different categories, in that case it would be registered as a rebuilt vehicle. It would have to pass all kinds of inspections on doors, engines etc to ensure that everything was in order once it was repaired and put back on the road.

It would probably evolve from a category that would be identified as salvage. In the case of salvage, it would be "any vehicle damaged by collision, fire, flood, accident, trespass or other occurrence to the extent that the costs of repairing the vehicle to operate legally on our highways exceeds its fair market value immediately prior to damage. Salvage vehicles cannot travel public roads until they are repaired and inspected in accordance with prescribed procedures, so as to allow their status to be changed to 'rebuilt.'"

I have three daughters who, each one of them, sort of put vehicles into this particular category, and I think in all cases they were repaired and rebuilt and put back on the road, but the salvage value didn't have too much once they had had their accidents.

The other interesting one is to be irreparable. This is the responsibility of insurance companies and others who are working with these vehicles—body shops—to report vehicles they see in this condition. Being irreparable would be "any vehicle incapable of operation/use on a highway and which is so badly damaged that it has no resale value except as a source of parts/scrap. These vehicles can never be put back on the road."

Once it's registered on that VIN number, even if they try to move it to another vehicle, once it's seen by the authorities they will then know that this particular vehicle should not be on the road or it's stolen or somebody has played some sort of game with it. That's the kind of branding that there will be into the future.

Sometimes criminals can be very original in what they do and how they try to escape the law, and that's what's been happening with cars in the past, cars that have been in accidents, cars have been severely damaged. They can be out of line, there can be all kinds of difficulties, and as I mentioned just a few minutes ago, the kind of thing that can happen when a lot of weld occurs in putting some of these vehicles back together.

This bill is going to crack down on crime and that's something our government has been doing a tremendous amount of over the last five years. As I mentioned earlier when I introduced Constable Larry Davis from my riding, the strongest policeman in Canada, he was one of 1,000 new police we've hired in Ontario to crack down

on crime. We brought in our Safe Streets Act to ensure our streets are safer. Some of the young people who are darting out into the traffic to clean windshields on vehicles such as we're talking about here today—that was a very dangerous situation for them and I'm very pleased to see, especially on the streets of Toronto, that has been reduced.

This is a bill that's looking at increased safety on our highways for the vehicles that we ride in, that our families and our children ride in. It's also going to make it more difficult for criminals to deal with the selling of these vehicles on this so-called black market that has flourished in our province.

All in all, I'm very enthused about Bill 91, An Act to require the mandatory reporting of severely damaged vehicles to counter motor vehicle fraud and theft, and I compliment the Honourable David Turnbull for bringing this forward at a very timely time.

I see that the very distinguished member for Durham is now in his seat and is about to take over, so for the following 11 minutes, perhaps I can introduce the distinguished member from Durham to complete the debate.

**Hon Mr Turnbull:** On a point of order, Mr Speaker: In addition to the earlier consent I sought, I believe we have consent for the Chair to put the question at 6 pm.

**The Deputy Speaker:** Is that agreed? It is agreed. The chair recognizes the member for Durham.

1610

**Mr John O'Toole (Durham):** First, I would like to thank the member from Northumberland, the gentleman from Northumberland, who has worked very hard to make sure that the health care system in Northumberland, in Cobourg, has been addressed. I know just how hard he's worked.

Which is a nice segue into vehicle safety. Health care and vehicle safety fit nicely together. I'm parliamentary assistant to the Ministry of Consumer and Commercial Relations, the Honourable Bob Runciman, and I know this is an important consumer issue. I would be remiss not to thank publicly the Minister of Transportation, the Honourable David Turnbull. He is the minister who had the courage to bring this piece of business, this legislation, to the House. It's in that vein that he's standing up for safety in Ontario.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** That's the former whip you're talking about.

**Mr O'Toole:** He used to be the whip. He isn't any longer. He still acts like it on occasion but that's just his nature. He is very disciplined, very focused, which leads me back to the bill. This bill is a disciplined, focused activity.

What he's doing is making it harder for criminals to operate in Ontario. There was a news piece—Mr Speaker, you'd be pleased to know this—last night on television—and by the way, there was a nice piece on my bill, the bill dealing with the Highway Traffic Act on cell phone use, on the same cast. They were talking about stolen vehicles. There were millions of dollars of very

expensive cars. There's a real ring that's collapsed, partially, I think, because of the minister's action. They feel threatened. They're under some pressure now to come clean.

Making it harder for criminals, first—

*Interjection.*

**Mr O'Toole:** I lost my train of thought for a moment. It's also a consumer protection issue, as I've said before. Minister Runciman and I have talked about it. We're confident that this change is an important protection for consumers. The branding of the VIN plate and the record of that vehicle now become more difficult to counterfeit or misuse. It's a whole underground ring using the VIN plates for unjustified reasons.

Third, and perhaps more important, a central plank in the Ministry of Transportation is road safety itself. You may wonder how I can apply this whole issue of road safety. Vehicles that have been improperly repaired, the illegitimate activity side: The motoring public are now protected, are more likely not to find a vehicle that's been tampered with or has had parts replaced inappropriately or a write-off vehicle that finds its way back on to the road.

What does this mean to the member for Durham? To me, most of my responsibility involves, first and foremost, listening to my constituents. That's the reason I'm here and the reason I'm speaking today on Bill 91.

How does it apply right down, driving the issue down here, driving the discussion down to real people? Dominic Vetere is the manager-operator of a family business, Dom's Auto Parts, in Courtice, Ontario. You'll probably see it the odd time going eastbound on the 401 at Courtice, just east of Oshawa, just east of the General Motors headquarters building. Look him up there: Dom's Auto Parts. He's very responsible. He's been calling for this. There was a partial requirement but not a mandatory requirement for this branding. He's been calling me and following this issue and I'm certain that as I speak today and as I look into the television, I'm looking at Dominic and saying, "Thank you, Dominic, for holding our feet to the fire and for making us and the ministry do the right thing."

It's about real people. This is part of a discussion, part of the consumer responsibilities I have working for Minister Runciman as the parliamentary assistant. We are consulting. There's a whole group of members in this caucus. I think of Frank Klees, who has a great interest in consumer protection. Frank asked me, as part of our external consultations—we call them PACs, policy advisory committees. I am a co-chair and I am very privileged to have an excellent co-chair with me. We've been working with a group called CISCO, which is a sort of self-regulatory proposal in insurance and auto collision repair. You'll hear more about this in the future. We hope there will be a regulatory environment for auto mechanics and body repair, which is a side part of this bill. It's a very inclusive activity as we're moving forward.

In that role, one of the persons I've had contact with—I won't mention names from the PAC, because these



people do it in an anonymous way—one of the persons I've met with and have a lot of respect for is Lybron Neblett. Lybron Neblett runs an auto body scanner shop in Whitby called CAD-Scan. This is a coordinated measuring device to check vehicle integrity and dimensional integrity in a vehicle back to original parts specifications. So it's a CAD-Scan operation that he has been trying to convince the collision repair industry to use in an objective way, more like Drive Clean, to verify that that vehicle has been repaired to the proper dimensional specifications of the original manufacturer. I believe Mr Neblett, who has been trying to keep safe vehicles on the road, is a complement to Minister Turnbull's bill.

When looking at this thing in a broad sense, the member for Bramalea-Gore-Malton-Springdale is one of the very strong members of caucus who relentlessly fights against crime. I'm confident members on both sides of the House will, for this one time, set the partisan differences aside and do the right thing. I'm looking across the floor right now at the member for Don Valley East and saying, "Do the right thing." Think of young people driving.

My daughter, who just graduated from Lakehead University, who will be teaching secondary school next year, bought her first car, and it was a used car. I know you would be the same if you had a daughter that old. Of course, I'm twice your age; I could be your father—in fact, I know your mother; she used to be here. I know you'll do the right thing, because she wouldn't let you buy a used car. She'd probably buy you a new one.

*Interjection.*

**Mr O'Toole:** That's a whole different debate. We don't particularly want to go down that road.

The minister from Nepean-Carleton, Minister Baird, is here listening and working hard this afternoon. I know he, above all people, would put safety first. So I've pretty well covered all sides. If there was an NDP member here, I'd mention them. But I can't, so I won't, because that would be not being true.

I know Mr Beaubien just bought a brand new vehicle. In fact, it was a General Motors vehicle, and I'm sure he'll be more than satisfied with it. I've said to the member for Lambton-Kent—

**Mr David Christopherson (Hamilton West):** On a point of order, Mr Speaker: I realize the member is trying to reach a point of some coordination and co-operation, but pointing out who is here or not here or might be back in the lobby watching this, as well as doing work—you're the first one to jump on your feet and say how unfair that is. I would ask you to respect those rules, because they apply to all of us.

**Mr O'Toole:** I do respect the member for Hamilton West and the other members of the caucus. I know them to be in committee and working hard; that's not what I implied. But if they were here, I know they would comment, and probably will, on this bill and how important it is that we move forward in the interests of making it tougher for criminals, making consumer protection a paramount issue in all of our actions here in this Legis-

lature, and for of course the most important issue of all, public safety.

I believe Bill 91 satisfies all three of those requirements, and I would be prepared to say that I'm going to be listening to all members from all parties, and I expect that there will be a vote on this later this afternoon.

My final tribute will be to the Premier, Mike Harris, who allows his ministers to bring forward legislation that achieves consumer protection and vehicle safety and, most important, makes it tough on crime.

1620

**Mr Michael Gravelle (Thunder Bay-Superior North):** I'm glad to lead off the debate for our caucus, and I'll be sharing my time, with the indulgence of the House, with the members for Eglinton-Lawrence, Kingston and the Islands, Hastings-Frontenac-Lennox and Addington, and the member for Sudbury.

I am pleased to say that the Liberal caucus is very strongly in support of this piece of legislation, Bill 91, something that we have lobbied for and advocated for some time. I want to thank the minister for bringing it forward and thank his staff for their co-operation, particularly his executive assistant, Diane Betts, who has been wonderful and helpful to us, which we appreciate, in terms of briefings. We appreciate that this is an important bill and we think it's a bill that's been long in coming.

If I may say so before I continue, I want to thank the minister for allowing the advance warning light at Balsam Street in my riding in Thunder Bay to be made a permanent structure. A cantilevered sign support is what it will be. We fought hard to make that happen, so I appreciate that the ministry will be letting that go forward. We look forward to it being built sooner rather than later, of course. We hope that can happen.

This is an important piece of legislation and it's one that will make a great difference to consumer protection, used car dealers, and people who have been affected by the massive theft in this province and vehicles that have been damaged being recirculated throughout the province.

I think I should make some reference to two of my colleagues. My colleague from Hastings-Frontenac-Lennox and Addington, Ms Dombrowsky, has also been lobbying very, very hard for this for some time and has had many of her constituents doing the same thing. She'll obviously have an opportunity to speak, but the fact is, and I will say it, that she is the one who actually alerted me to the need for this and came to me first, and I was then able to pursue the minister on this as well. I thank her very much for that. And my colleague from Prince Edward-Hastings, Mr Parsons, is also advocating very, very strongly for this. I want to commend them and thank them, and I think it does prove that this is truly a non-partisan issue in that sense. This is a piece of legislation that will make a difference.

We know this is legislation that's also been called for by many stakeholders in this province, certainly safety groups, consumer groups, car dealers, used car dealers

and insurance companies, who believe this is legislation—and it has been explained very well by the minister and his colleagues—that will protect consumers and used car dealers from fraud, and will promote public safety. There seems little question about that.

As has been discussed, each year over 90,000 vehicles are written off and they find their way back on to the road somehow. This is something we've been concerned about for some time. The Used Car Dealers Association of Ontario has told us that there has never been more underground traffic of vehicle identification numbers from written-off vehicles than we've experienced in the last several years, which makes the need to bring this legislation forward all the more crucial.

Certainly, Bob Beattie of the Used Car Dealers Association of Ontario has been in touch with me, and I'm sure he has been in touch with the minister. Their association is very supportive of this bill. Carman McClelland, who many here will know was a former member of this provincial Legislature, who's now with the Ontario Automobile Dealers Association, is extremely supportive of this bill. He has written to us on this and we are glad to support it on the basis of their support.

Another one of our former members, Trevor Pettit, is now with the Ontario Automotive Recyclers Association. Despite the fact—again, I think this won't be a surprise to the minister—they would like to have had a few more elements in the bill that would precisely be of benefit to the recyclers' association, they are in support of the bill, I think for all the right reasons as well. We also know that the Canadian Automobile Association is supporting this bill and have said so publicly. So the support is strong for this bill and I think it's true: It's going to make a real difference.

One small caveat, if I may, is that I do wish the government might have brought it forward a little bit earlier. We know that there was a voluntary branding program brought forward in 1998, which I believe was truly well-intentioned, with the hope that it would work, but the voluntary aspect did not work. Unfortunately, it didn't solve the problem. Not all the insurance companies, I understand, volunteered to brand the vehicles and that was something that was unfortunate, because it would have been nice to have done it on that basis. I think it's clear that mandatory branding is what has to happen in order to make this successful.

Unfortunately, consumers weren't protected to the degree that we hoped they would have been by the 1998 volunteer program. I know that one of the constituents of my colleague Ms Dombrowsky, Bruce Woodbeck, from Woodbeck Auto Parts Ltd, was very concerned about that. He's supportive of this and he was not supportive of the voluntary program because I think at the time he recognized it wouldn't work. I know he has been in touch with my colleague and is pleased that this legislation is now coming forward as well.

Of course, the government did introduce a bill last April, Bill 90. I think the intention was to get it through.

The election was called soon afterwards and it did not go forward and here we are today. I commend the minister for bringing it forward. It's something that we need to do and we're doing it on pretty short notice so I think it's important that we get this through before the session wraps up tomorrow so the bill can be put into effect and not wait any longer. We are supporting this bill.

There are some concerns that I have and they've been addressed, actually, by some of the government backbenchers in their remarks as well in terms of the regulations, because we recognize that regulations do have to be drawn up. What has been said is that we need a clear definition of what is an "irreparable" vehicle or what is a "salvageable" or "rebuilt" vehicle. The bill, as it reads now, it seems to me, doesn't—in fact, it leaves it up to the stakeholders committee, the Collision Industry Standards Council of Ontario, to determine that. It's important, obviously, that they come out with some clear definitions.

My colleague from Durham made reference to Mr Lybron Neblett, who is involved with the computer company CAD-Scan, which is a computer-based three-dimensional system used to accurately determine the extent of damage and subsequent repair efforts of vehicles involved in collisions. Mr Neblett is a consultant to the advocacy group Consumers Fight Back, and he has some very real concerns that the standards just aren't in place and that there are vehicles coming back out that have been officially repaired, salvaged or rebuilt that don't meet those standards. Mr Neblett wrote to the Premier not that long ago, back in May. I share the belief of the member for Durham that indeed Mr Neblett's concerns and the opportunity to be helpful should be taken advantage of by the minister.

Ultimately, it's crucial to make sure that the definition is extremely clear so we're not having vehicles come back on the road that are not truly repaired and do not meet the standards. It's probably fair to say that it shouldn't just be left up to the discretion of the individual insurance providers to determine that. I would hope the minister would take advantage of that opportunity in terms of what Mr Neblett says. We do need those clear definitions in the regulations and we need a set of standards that all of us—consumers, dealers and everybody else—can clearly identify. The fact is that this mandatory branding will only work if that criteria is worked out in the regulations. I want to make sure that happens and I will be talking to the minister about that in the future.

So there's no question our caucus supports it. I think it's fair to say that my colleagues who will be speaking after me will be making reference to that. They may have some of their own other concerns that they'll bring forward, and I hope they do.

If I may, I do want to make reference, while I have the opportunity, to some other issues that I would hope the minister would consider.

We're nearing the end of the session. It's been an interesting, tough year and a lot of issues that I've been



dealing with as transportation critic I'm not satisfied have been completely dealt with. I hope the minister will take those into consideration and will try to make some changes.

One of them, of course, is the whole issue of the sale of the 407, something that we in this caucus believe is not, at this stage, in the best interests of the consumers. I'm not so sure its sale, for \$3.1 billion, which the government was very happy to trumpet before the election, was a good deal for taxpayers. I know the minister disagrees with me strongly on this. I would ask the minister, as we've all asked him many times, let's see the details of the sale. Let's get that out there. It would be great to have that put in front of the people so they can see that. It's very important. The minister—we've had an exchange about this in the past and there's an issue related to freedom of information, I understand, but it's very important that we do this.

1630

The fact is that the people who are driving on the 407 are now in a situation where there are ever-escalating tolls, which is going to be going on for some time. We've got a 99-year lease now; the people of this province will not have this back in their possession for 99 years. It's something we feel very strongly about. I can promise the minister that over the summer as well I will be probably pursuing this with him; but we will be pursuing this. It's important that this be brought out; the public has a right.

The minister made reference in his remarks, as have others, to the number one priority being safety, and I appreciate that. In terms of the concerns related to the number of commercial vehicles on our roads, the number of trucks on our roads, and truck safety and some of the measures that have been taken, I must say that one of those issues really is the amount of time drivers are allowed to drive, the hours of service. I know there are negotiations going on right now between the provincial government, the federal government and other agencies involved with trying to sort out the hours of work.

We know there are many more vehicles on the roads today—many more. We know that's going to increase in terms of commercial vehicles. We know that driver fatigue is an extreme concern of everyone. The proposals I have seen that are going forward look like they are moving in the direction, potentially, of allowing drivers to actually drive more hours per week than they have before. That's a concern. But what is probably most clear about this whole issue is how muddy it is; it's not clear at all. There's a great deal of confusion as to exactly what's in this, which is why I did ask the minister in a letter recently to provide some form of meaningful consultation so the public can be involved. If, for example, the minister truly believes that we have no reason to be concerned or that these regulations or changes in hours of service will be of benefit, then I think there would be no reason to not speak out publicly about this or have some involvement of the public in this.

I certainly know that the truckers I talk to, who tell me about the change in proposals, have some real concerns

themselves. Driver fatigue is a huge issue, and as we have more vehicles out there that becomes a greater concern. I would ask the minister to take seriously the possibility of a consultation over the summer. It's a good time to do it; we're not going to be in session over the summer. I'd be very happy to be involved in that, as I know my caucus colleagues would be as well: some form of consultation that would allow the public to understand and be involved, to express their concerns. Because what is happening is that the public is not reassured any more in terms of the volume of traffic out there, let alone the fact that drivers themselves are really suffering from driver fatigue. I really hope the minister would consider that because there is simply no question that people are concerned. It affects them and impacts them in a very profound way, as I think we all know because we're all sharing that road. I hope the minister would consider that and look at it seriously.

An issue that has come up with great frequency, particularly this past winter—but it was a concern of mine long before I was the critic for transportation—is the ministry's decision to move towards complete and total privatization of the road maintenance system in our province. We know the ministry made that determination just after the government got elected back in 1995, that this was the method they were going to go by. We also know, and they said it publicly, that they would only do this based on achieving savings of 5%. And they also guaranteed that they would not compromise safety.

We know there was a pilot project in the Chatham-Kent area, the first pilot project, which was brought forward in 1996. Even before that pilot project was completed, the ministry decided to go ahead and move forward with the privatization of road maintenance even though there were some great concerns about it. I've always objected to that; that's no secret. I think they should have at least waited until that pilot project was completed before they decided to move forward. That's pretty unusual. Usually when you have a pilot project, you want to assess its value, but there was a determination to move ahead.

This past November, in the auditor's report, he looked at, I think, four of the privatization models that were out there and he determined that there were no savings. In fact, he determined there may be greater costs involved in the road maintenance in this province. If that is the case, certainly that flies counter to what the government says. Again, I know the minister disagrees with me, but the auditor obviously is an independent, highly regarded person who reports to this Legislature, and his feelings on this are pretty strong.

We went to public accounts in February and had an opportunity to debate this. I asked the auditor to basically look at this whole issue again and unfortunately was not successful in getting that passed by the committee. But this is a huge issue, one that continues to concern people. I know there has been a complete privatization of the service in my own area of Thunder Bay. Recently the members of the public service were all laid off. The

minister and his ministry staff will bring out statistics that say there are fewer accidents and fewer fatalities than there were 20 years ago. I think that's a bit of a mug's game and an inappropriate statistic to simply use in that fashion. The fact is that we are living in very different times. We certainly know that the whole incidence of and society's view of drunk driving has changed. We also know that people are wearing seatbelts, where they didn't wear them as frequently 20 year ago.

But it doesn't matter, you know. If there's one accident that may be caused because the road is not being maintained as well, what could be more important than that? This is an issue that is very close to me and to my colleagues. If indeed we find down the line that the road maintenance is simply costing more money—the auditor gave an extraordinarily interesting example. That was British Columbia, where they went the same route. They decided to privatize all the road maintenance. They finally had an accounting firm come in and take a look at it, and do you know what it cost? It cost \$100 million more than when it was done by the public service. I just hope the minister is looking very carefully at that, because the truth is if we discover down the line that this process continues we will be incensed, and we will be incensed on behalf of the people of this province, because nothing can be more important than public safety. I happen to believe that the maintenance of our roads is a public service. I happen to believe that rather strongly, that there needs to be accountability. The one thing that's really lost with the privatization of road maintenance, in my opinion, is that accountability, is that responsibility. I believe that's absolutely lost. Again, I can anticipate what the minister would say if he had the opportunity; he would say it's being monitored. But that is a concern I have. I just want to make it clear to the minister that that's an issue I will continue to have. I am going to pursue it closely. There's no point in my pretending that I won't.

I will wrap up my remarks and let my colleague speak shortly. I want to talk about something that came up in the Legislature today. My colleague from St Catharines asked a question of the Minister of the Environment about the fact that we certainly have air pollution which is statistically killing people. The fact is it's killing people. We need to find ways to reduce air pollution; that's something we simply have to do. One of the decisions made by this government that I think has been most damaging was the removal of support for public transit. Again, I can anticipate the minister's response. He'll say there has been a shift in responsibilities—which of course has been a downloading—that has given municipalities the wherewithal to do it all. Well, the municipalities certainly don't feel that way. Public transit is something we have to support. We have to support public transit and find some way to do it. I believe we are showing a lack of vision if we do not understand the value of public transit. The fact is that we need to fight smog, we need to fight gridlock. The abandonment of support for public transit is something that I think will

come back to haunt this government. It's my responsibility as transportation critic to make those points to the minister. It's also the responsibility of us in opposition to express those concerns. I do express those concerns.

As I said, I'm strongly supportive of this bill and I commend the ministry for bringing it forward. It's going to make a very positive difference and I look forward to seeing passage of this bill as quickly as possible.

I'll now hand off to my colleague.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I'm very pleased today to stand in the House and speak in favour of the bill that is before us, Bill 91, the Highway Traffic Amendment Act, or the branding bill.

**1640**

I first became aware of the issue of branding on September 3, 1999. It was two months to the day after my election in my riding. One of my constituents who owns an auto parts business brought this very important issue to my attention. My colleague from Thunder Bay-Superior North has already made reference to the very fine efforts of my constituent Mr Bruce Woodbeck. Mr Woodbeck wrote to me and explained the importance of this issue. Mr Woodbeck explained that there had been previous legislation introduced, Bill 90, and unfortunately that very worthy legislation was interrupted by the election and did not become the law. This was a great concern to my constituent because he certainly was worried about the safety of Ontarians and the fact that unsafe vehicles were making their way back into the marketplace. Of course we can all appreciate the many negative effects that that reality has presented for Ontarians.

In fairness to the fine work that Mr Woodbeck has done to make me aware—and consequently I was able to bring his issue to the attention of the Minister of Transportation, as well as the Minister of Consumer and Commercial Relations and my colleague from Thunder Bay-Superior North, who is the transportation critic—I was able to bring his very valid issues to their attention and I commend all of them for the interest they paid to the matter and the action that has been taken that has resulted in the introduction of Bill 91. I applaud the Minister of Transportation for acting in a reasonably precipitous fashion to address this important safety issue for all Ontarians.

If I can get back to my constituent Mr Woodbeck and his family, they own Woodbeck Auto Parts Ltd in Stirling, Ontario. I know my colleague from Durham had made reference to a particular business in his riding and the example that he thought this business set in the recycling industry. I would suggest that Mr Woodbeck and his family as well deserve that same kind of accolade and recognition for the work they've done in the auto recycling industry in my riding in eastern Ontario. I say this because I also attended an anniversary celebration that this business had a few months after my election as well. They have been in the auto recycling business for 60 years. So I have to say when constituents with that



kind of experience and background in an industry bring a situation to my attention, I think it's very important that we listen to what they have to say and see what we can do to ensure that the issues they have around safety for Ontarians—that there are measures introduced that would address their very worthwhile concerns.

I would suggest—it's already been stated and it was made very clear to me by my constituent as well—that probably the most important outcome that this bill will have is that it will ensure greater safety for Ontarians who will be purchasing previously used vehicles. Mr Woodbeck would point out to me that mandatory branding will protect consumers from driving unsafe vehicles. He has indicated that it will also stabilize insurance premiums, as insurance companies have less to worry about in terms of insuring vehicles that may or may not have the integrity of being safe. Mr Woodbeck has also indicated that this process will help curb auto theft and the sale of stolen auto parts. Any legislation that is going to curb unlawful activity within our province I wholeheartedly support.

The member for Durham has asked that we not make this a partisan issue, that we put our partisan politics aside and support this bill. I just want to put on the record that I'm not prepared to set my partisan politics aside. I am supporting this bill because I am a Liberal, because Liberals believe that consumers should be protected. We believe in the fact that the industry needs to be regulated in such a way as to ensure the safety of all Ontarians.

Another really very good point that my constituent shared with me about this bill and what it will achieve: It will cause more vehicles to be repaired due to the increase of good salvage parts and the decrease in salvage values, and that contributes to recycling, which is good for the environment. As Liberals, we are so very committed to the environment, and so that is another very attractive feature of this piece of legislation.

Finally, it will help create jobs in legitimate businesses like body shops, mechanical shops and auto recyclers. Of course, the Liberals would want to support any legislation that would encourage that to occur as well.

I'm very happy to have had this opportunity to talk about how an individual, a small business person in eastern Ontario, has, I think, been very significant in terms of providing direction to the government and moving us towards legislation that is certainly going to benefit consumers of this province. I'm delighted to have had the opportunity to speak to this very important bill this afternoon. I know that my colleagues are most anxious as well to share their views on the bill and I look forward to voting in favour of it later on today.

**Mr John Gerretsen (Kingston and the Islands):** Of course we support this bill. As a matter of fact, this bill should have been brought in two years ago when the government, in effect, made it a voluntary measure.

I found it very interesting that the minister stood in his place here earlier and, if I quote him correctly, said that he wanted to make the Ontario roads the safest in all of the world. I'm just wondering what he has done in that

regard. When you look at some of the other measures that the ministry has been involved in, it's already been talked about here earlier this afternoon.

Look at what's been happening with the downloading of the entire road network in Ontario, other than the four-lane highways and some other highways that are still within provincial jurisdiction. I bet you that two thirds to three quarters of all the highway system that was built as part of the provincial system has been downloaded to local municipalities. How safe are those roads going to be five or 10 years from now, when the local municipalities simply will not have the financial ability to rebuild those roads?

We sometimes forget why the province was involved in a lot of those activities. It was simply due to the fact that the local municipalities would not have the financial ability to be involved in that kind of road building. What have we done over the last three or four years? Or what has this government done over the last three or four years? It has downloaded the roads to the local municipalities, some of which are in good repair right now, but they will need to be rebuilt five or 10 years from now. And what if the local municipalities don't have the financial ability to rebuild those roads? Can we then truly say that we want to make Ontario roads the safest in the entire world?

Let's take a look at another issue. Let's take a look at the privatization of our road maintenance. Do the people of Ontario really think that the roads are better maintained for our safety and those people who are using the highways on a day-to-day basis since they've been privatized, since the maintenance of a lot of those roads has been privatized? What we're having in Ontario already is a drastic variance of service levels, depending upon which company is involved.

Let's take a look at the sale of the 407, as our critic has already referred to. Is there any consumer protection involved in that? The minister said that as well, that he's interested in the consumer protection aspect of that, and some of the members opposite spoke about that. Is there any consumer protection at all when the company that owns the 407 can charge whatever they want by way of user fees, as we've already seen just in the last two years? There's no consumer protection there. Ontario's roads aren't being made safer as a result of the privatization of our roads system.

Yes, of course, this is a good piece of legislation. And the fact that 90,000 vehicles get stolen in our province on an annual basis isn't good for Ontario consumers. But you know, let's get away from the rhetoric and let's look at the reality of the situation. The situation is quite clearly out there that the way that we're heading in this province when it comes to transportation issues is exactly the opposite of any kind of public accountability. It all gets back to what we have governments for. We have governments so that people can be protected, so that we can have some rules and regulations about how we relate to one another on an ongoing basis. What this government has done over the last five years is that it has been

grabbing away at those kinds of rules and regulations, whether we're talking about transportation, social services, public housing, health care or education. Minister, don't come in here and talk about wanting to make Ontario's roads the safest in the world when in fact you have been part of a government that over the last five years has been tearing down the public services that had made us the number one country in the world. We have extra money rolling into this province, into the provincial coffers on an ongoing basis. It is still not too late to start looking at some of those vital government services, the services people need on an ongoing basis, whether it's in health care, education or road safety.

1650

Look what's happened in the Chatham-Kent area. Sure, we've got inquiries going on into the two major disasters that have happened there from a road safety viewpoint, from an accident viewpoint, over the last couple of years, but I think it's high time the province started committing some resources again to making sure that our road network across the province is really top-notch and is the safest it can be for individuals.

Look what's happened in Walkerton, again as a result of privatization, again as a result of this province deciding that no, it didn't need to regulate or run its own water-testing labs any more, that the private sector could do it.

We support this bill, but we say to this government, this is only a start. It's only a very small start in a very small area. Let us be just as concerned about many of the other areas where the protection and safety of individuals is concerned. Let us start rebuilding some of our good public institutions that have served us well in this province over the last 200 years and let's stop this tearing down that's happened.

**Mr Mike Colle (Eglinton-Lawrence):** Over two years ago, I tried to alert this government and the then minister, Tony Clement, about the epidemic of cars that were being stolen in this province and the ploy of cloning stolen cars that was taking place right across the province. I know in Toronto we had about 35 cars a day stolen. We have literally full-time operations of car thieves operating in Quebec and Ontario taking advantage of people. In fact, one day in the visitors' gallery here I had a poor woman from Mississauga, a real estate salesperson, who had bought a car out of one of those magazines. She assumed she'd bought a car legitimately from a person because the person had the vehicle identification number. She went to the Ministry of Transportation office and they had this voluntary program. They checked through it all and said, "Oh, this car's fine." She ended up basically losing that car. I think she paid over \$25,000, and the government did nothing to help her. The minister basically said: "It's not my problem. It's your problem." It was really the result of the Ministry of Transportation taking a very cavalier attitude towards stolen cars.

There are no protections. In fact, I asked for a number of things for the ministry to do and in this bill I still don't

think they've done them. For instance, I asked them to have a system that verifies stolen cars in a log that goes right across Canada. They still don't have that in place.

One of the things that was happening is that they had these stolen Quebec registration permits that were being used here in Ontario. People would come in with these stolen Quebec permits and register stolen cars as legitimate cars; therefore, the buyer wouldn't even know they were stolen. This is easy to do because at the Ministry of Transportation office they were really changing the colours and the models of the cars willy-nilly without verifying that that car was that colour.

The second thing they were doing up at the MTO—and maybe they're still doing it—is that they were also taking anybody's word that they represented a dealer. They would come in and say, "I represent ABC dealer." They weren't ever questioned or asked for any documentation that they represented a dealer. A lot of these car thieves or these operators were coming in under false pretences. They didn't represent any dealers. I don't know if they verify them.

In Australia, when you register a car, the transportation official goes out to verify that's the car. Here, there's no verification done on-site. They don't go out to look and see if that car is the car that's being registered.

Anyway, nobody helped this hard-working person in Mississauga whom I brought to this Legislature who was out of pocket \$25,000. The government refused to help. She was so angry she decided to go to court. I was in Osgoode Hall with her where we saw the so-called car thief. He was there and said the car wasn't under his name, it was under his mother's name. This poor person ended up spending another \$10,000 to \$15,000 in legal fees and they put a lien on the car, the bank account. What a mess. The lesson is that this is one small step in terms of branding, but there's much more to do in protecting consumers against these car thieves who operate in this province at will.

There should be red flags that go up at MTO when, for instance, registration forms come in from Quebec, because there were a whole lot of them stolen. Ministry staff should not be allowed to alter vehicle identification data like colour, year and make without double-checking to ensure the vehicle is not stolen. They don't do that now. Before vehicle registration for used cars is completed, ministry staff should be required to physically check the vehicle to verify that the data, the colour, the year, the make etc matches the code on the VIN, the vehicle identification number. They don't do that.

Anyone attempting to register a vehicle in the name of an auto dealer should be asked for documentation verifying he or she is the legitimate representative of the dealer. I don't know if they do that yet. All out-of-province vehicle registration permit forms should not be processed unless they are cross-checked with out-of-province transportation ministries to ensure the forms are not stolen. That's what was happening: They were stealing these forms in other provinces and bringing them to Ontario and registering stolen cars.



People across this province work hard for their money. They buy these cars. In some cases, they're trying to save a few dollars by buying a used vehicle. Right now, there are very few protections for people doing that. Despite this legislation which is good as far as it goes, people still have to be very cognizant of the dangers of buying a car privately. They have to ensure that the person selling the car is a legitimate seller of a car, that they aren't just basically laundering the car. This is what happens.

There'll be some people who will sell 10, 15 cars in a year. If those people sell 10, 15 cars in a year, I think the ministry should somehow have a check on them to make sure they aren't involved in any illegal activity. People go to a home and they think they're going to buy this car from Jane Doe, who is legitimate. They don't realize Jane Doe is a front for a stolen car ring. It is big business in this province, big business in this country, to steal cars and pawn them off on innocent people.

This bill, two years after I asked for this kind of protection, makes one small dent in it. We have many more things to do where MTO not only makes money—MTO makes over \$1 billion in selling permits and fees and licences to Ontarians—but also has the responsibility to protect the consumer. Right now, they are not protecting the consumer enough against these very sophisticated car thieves who are operating all over this province. People still have to be very much on guard and people have to—

1700

**Mr Gilles Bisson (Timmins-James Bay):** On a point of order, Mr Speaker: Can we see if three is a quorum in the House? I don't believe there is.

**Acting Clerk at the Table (Mr Peter Sibenik):** A quorum is not present, Speaker.

*The Acting Speaker order the bells rung.*

**Clerk at the Table:** A quorum is present, Speaker.

**The Acting Speaker (Mr Tony Martin):** The member for Eglinton-Lawrence was finished, so we'll move to the member for Sudbury.

**Mr Rick Bartolucci (Sudbury):** I feel privileged to be able to stand and speak a few moments about this bill, to tell the government that Bill 91 was certainly slow in coming. It is an admission, though, by the government that their voluntary branding process was a failure. Bill 91 is an admission, of course, that the voluntary program that they introduced was not successful and now we're bringing in legislation that will certainly meet the needs of Ontarians.

It is quite an admission by this government, because this government doesn't like to admit when they make mistakes. This is clearly an act that will correct a problem the government created earlier on when they introduced voluntary branding over two years ago and it wasn't very successful.

There are still many concerns we have with regard to this legislation. Certainly, the lack of clarity in definitions is a concern, the lack of regulations and the implementation of those regulations is a concern that we have on this side of the House, and our critic addressed those extremely well.

But this will solve a problem. Right now in Sudbury police are investigating a situation that, if this bill had been invoked into law two or three years ago when Mr Colle first suggested it, or when Mrs Dombrowsky and Mr Parsons first suggested it over a year ago, we wouldn't be faced with the problem we have in Sudbury of people buying vehicles that are stolen vehicles or retrofitted vehicles that are not road-worthy or safe. The bill will fill a need and therefore I'll be supporting the bill. The government, though, does make an admission that it made a mistake and I'm glad they admit they make mistakes.

But when it comes to branding, I'm concerned that this government wants to make mandatory branding of vehicles the law, yet they brand people differently and that's very scary. They brand people in northern Ontario as second-class citizens when it comes to cancer care.

Let me explain to those people in the audience today who might not know exactly what I'm talking about. Patients who have to travel for cancer treatment outside of their region in southern Ontario get full costs covered. That's all travel costs, all meal costs, all taxi costs and all hotel room costs covered completely, 100%, up to \$5,000.

People in northern Ontario are branded differently. When they travel out of their jurisdiction to receive cancer treatment—

**Ms Marilyn Mushinski (Scarborough Centre):** What does this have to do with Bill 91?

**Mr Bartolucci:** It has everything to do with it because we're talking about branding. But now when the people in northern Ontario travel out of their jurisdiction, they get 31 cents a kilometre, one way.

For example, the average of \$1,483 for one week for a southern Ontario person to cover expenses is there. But in northern Ontario, the person travelling the same distance, only going south, gets a measly \$124. Definitely that's branding. They're willing to protect people with Bill 91, but they're not willing to protect the people of northern Ontario who are branded as second-class citizens, who are discriminated against.

**Ms Mushinski:** That's absolutely false.

**Mr Bartolucci:** The members across the way say that's not true. Well, let me tell you, every word that I said is absolutely true. This government may try to spin their way out of this, but they're out of control. The people in Sudbury, in Thunder Bay, in northwestern Ontario, in northeastern Ontario who have to travel for cancer care are branded as second-class citizens by this government.

Do you know, it led the former vice-chair of Cancer Care Ontario to found a new organization called Ontarians Seeking Equal Cancer Care. They have a toll-free number. The toll-free number is 1-800-461-0159, and I urge those of us across Ontario who are concerned to phone that toll-free number.

**Mr Bisson:** Rick, what's that number again?

**Mr Bartolucci:** It's 1-800-461-0159.

I suggest to you—

**The Acting Speaker:** Could you put that down and move on with—

**Mr Bartolucci:** Sorry, Speaker.

I suggest to those people who are concerned, who are tired of being branded by the government as second-class citizens, to phone that toll-free number, because Bill 91 makes it mandatory to brand vehicles so that people will not have to purchase vehicles that are not safe, but they are not prepared to fix the branding of northern Ontario residents as second-class citizens.

I believe this government has lost sight of reality. I believe this government has lost sight of the fact that past governments treated everyone equally in the province of Ontario. Not any more. The Mike Harris government discriminates against the people of northern Ontario. When it comes to cancer care, when it comes to cancer treatment, they are branded as second-class citizens.

I suggest to you that this government would be wise to fix the branding problem they've created in northern Ontario, learn to treat people the same all across the province, just like you're treating cars the same all across the province.

**Mr Bisson:** I want to congratulate the member for Sudbury for a very interesting leap from auto branding to how we feel as northerners, branded by this government, in their work in order to discriminate against the province. As a northerner, I feel the same way as the member from Sudbury, that far too often this government moves in directions, it moves in ways of policies that are very discriminatory against the north. The latest example in regard to Cancer Care Ontario is a good one.

I want to speak to Bill 91 and I want to, first of all, put on the record that our government—our party, which will be government again—basically supports this legislation. We think it is long overdue, something that needed to be done. Quite simply, what we're trying to do here is, by way of this legislation, take out of circulation vehicles that have been involved in accidents and are not repairable any more and unfortunately are finding their way back into the market.

Just to explain this debate to people who are watching and for those members who may not have had the opportunity to pay too much attention to this particular bill, let's just talk a little bit about what it's about. Simply put, Bill 91—I see the audience in the galleries is watching with bated breath. They want to find out what's going on.

The industry in Ontario has had some problems for some years and I know the Ford dealer from—is Mr Palladini a Ford dealer?

**Hon Al Palladini (Minister of Economic Development and Trade):** I am the MPP for Vaughan-King-Aurora.

1710

**Mr Bisson:** But what dealership, again? "Every pal of Al Palladini is a pal of mine." What's your dealership? Anyway, the former Minister of Transportation, who was also an automobile dealer, will know something about this.

**Mr Christopherson:** A politician and a used car salesman. Might as well be a lawyer, too.

**Mr Bisson:** Used car salesman and politician—you talk about getting low, exactly.

Simply put, what we're doing with this bill is trying to find a way to take out of circulation those vehicles that have been involved in accidents and have had damage done to them classified as non-repairable and to take their VIN plates out of the market. Because far too often in Ontario, as in many other jurisdictions, when a vehicle is involved in an accident one of two things happens.

One, somebody buys the old, bashed-up vehicle and tries to bring the vehicle back into circulation by repairing it and, unfortunately, because the car has been damaged to such an extent, buyer beware, because you might be buying a car that is not structurally sound and is a danger not only to yourself but, more importantly, to your family and your passengers, and also very dangerous to the motoring public. What we're trying to do with this legislation, by way of an agreement on the part of all parties, is find a way to get those cars out of circulation.

We're saying that once a vehicle is termed to be non-repairable—I don't want to use the word "irreparable" because that's what they've got in the bill and I just think that's bad English, so I'll call it non-repairable—take the VIN plate directly out of circulation. For those people who don't know what that is, that's the registration number that is with the Ministry of Transportation. That is the number that's in your car, so that the registration of that vehicle is completely out of the system so nobody tries to bring that vehicle back in again in a repaired state that looks good cosmetically but is probably in fairly bad shape and shouldn't be on Ontario highways at all.

I know that my friend Mr Palladini, the member from—

**Hon Mr Palladini:** Vaughan-King-Aurora.

**Mr Bisson:** Vaughan-King-Aurora. Thank you very much. The former Minister of Transportation also likes this because it means that car dealers across Ontario will be doing a better business.

I don't want to impute motives, but I'm sure that if I were an automobile dealer—Ford, GM, Chrysler, Nissan, whatever it might be—I would be happy, because once those cars are out of circulation, obviously people are going to be looking. When they're buying a car, maybe they'll be coming into my dealership to buy a good second-hand car that's certified, a car that's worth buying, or maybe even a new car. That would give jobs to the people in Ontario who construct cars. I think that's both a good thing when it comes to economic activity within a community of Ontario and a good thing when it comes to safety.

The other thing that it does, though, is deal with an issue of theft to a certain extent. Some people may not realize this, but there are some non-legitimate business people who operate in this province. They're called thieves. What they do is go out sometimes and steal cars and try to re-register the car under the VIN plate of a car that has actually been damaged and is not supposed to be



in circulation any more. By taking the vehicle information number for that damaged car out of the registry, you're in effect taking away some of the opportunity—I wouldn't say all, because I don't think we go far enough—on the part of the thieves to resell a car with a VIN of a car that was actually damaged by way of an accident. That, I think, is a good thing.

The Minister of Transportation, the Honourable David Turnbull, came to me and said: "Listen. Here's what we want to do. We have a one-off bill. We would like to be able to pass it through the House and do it quickly." I said to the minister: "Listen. We are certainly in favour of the proposal. Let me see the legislation. We'll bring that back to our caucus. We'll have a discussion and we'll let you know, but on the surface of it I don't see a problem."

What you're trying to do here makes a lot of good sense to me—I wouldn't say common sense, because this is not something this government has demonstrated on other issues. But in this particular case, it's certainly a step in the right direction.

Does it solve all of the problems? Of course not. Does it go far enough? No. Should it have been done a long time ago? Yes. But we're here today. Let's deal with it. It's enough to finally be in the position to allow this bill to pass and to be able to deal with that issue. I don't want to engage in the debate. It should have been done two years ago when the minister had an opportunity, or it should have been done by Bob Rae, or it should have been done by David Peterson, or it should have been done by whomever. The point is, in this Legislature, at a particular point in time, we're asked to deal with issues, and this particular issue is being dealt with. I'm giving the government credit for finally coming forward with legislation that has all-party support.

I wish that we'd see more of this. I think it does our Legislature and, more important, does the public wrong, when we see bills that are so contentious, that don't have the support of all three parties in this House and the government, with its majority, goes ahead with very controversial bills. I think it really takes away the respect that the public has for the legislative process.

As you very well know, I've argued for a long time that we need to have a form of democratic reform in this province so that we're able to find a way to say to the people of Ontario, "We'll give you confidence in your politicians and your political system," because people in this province, I would argue, over the last five years feel less and less enfranchised when it comes to the decisions that are being made by their government, and more important, the decisions that are being made by members of the assembly.

For example, if I'm a teacher—there's been a bunch of legislation that has been passed that people don't agree with in the teaching profession, that the school trustees don't agree with, that the students don't agree with, and certainly that the parents don't agree with, and the government, by way of its majority, has been able to pass that legislation. When we take those kinds of actions here and a government utilizes its parliamentary majority in

the way that this government has—by forcing those kinds of bills through the house by way of closure or by way of a sheer majority—I think it gives the public a really bad feeling about what we do in this Legislature.

I would argue that it would be important for us, as members of this assembly, to look at ways of being able to give the public some confidence in our political system. There are a number of ways of doing that. You would know, Mr Speaker. You were at our last provincial convention, where the whole issue of democratic reform was put on the table at the NDP convention, where we talked about possibly moving towards a system of proportional representation, possibly moving to a way of electoral reform in order to take big money out of elections so that the public has more control about what happens in this assembly.

Mr Speaker, you were a member of a government, as I was, that was elected with 38% of the vote, and we had over 60% of the seats of this House. This government, with 42% of the vote, has well over 60% of the members of this House. The David Peterson government was in the same situation. There has only been one government in the history of Ontario that was elected over 50%, the point being, unfortunately, our first-past-the-post system says if you elect more MPPs and that gives you a majority in the House, you can darned well do what you please. I think government in moderation, with a majority, works and there have been good examples of that, certainly in the days before I was here, under the Bill Davis government and before, from what I'm told by members of the assembly who have served here longer than I have. I've only been here 10 years. It's kind of interesting; I'm a veteran now after 10 years. That was unheard of 15 years ago. Anyway, the point is that there was more co-operation between the parties.

Coming back to Bill 91, Mr Speaker, because I know you want me to bring it back to that, Bill 91 is one of those bills where there is all-party agreement. The point that I want to make around Bill 91 is, in Legislatures in the past we had a situation where House leaders from all three parties sat down and said: "Here's the agenda the government would like. What is it that you like or don't like as parties in opposition and what is it that you want to see advanced?" There was a bit of toing and froing that went on, and members had more ability because the rules of the House were such that you could hold bills up if the government was trying to use a majority in an undemocratic way. It made for better debate. It made for a more tempered bills. More important, it made for respect on the part of the public for their government.

I would argue—not that I'm a big Conservative fan—that governments in the past before this government—the Bob Rae government, the Peterson and the Davis governments, and the Grossman government—certainly tried to work at ways of being able to temper their official majority by way of this first-past-the-post system in a better way.

I would say, around Bill 91, that I think this is an occasion where we have an opportunity to talk about the

importance of trying to find ways of getting all members of the assembly to work together for the betterment of legislation that affects the people of Ontario. I would propose either the government changes the rules of the House in order to allow all members of the assembly greater ability to hold up the government when they're doing something that quite frankly is wrong, that a majority of people feel is wrong, such as what happened with teachers, what happened with a number of other people, or, I would argue, as a New Democrat, to go even further, to talk about electoral reform so that big money does not decide who gets elected. This last election in 1995 saw the Conservatives spending money at an unprecedented rate, as well as third party advertising, which I think skewed the election because it takes the focus off the issues and makes the public look at the glitz. We're back to where the Americans are now, where basically elections are won by big money being spent on advertising campaigns. The voters unfortunately are bombarded by these ads day in and day out, and eventually when they go to the polls, the only thing they remember is the brand name that was advertised for the last three or four weeks. It's a little bit like walking by a McDonald's: Every time you drive by a McDonald's you hear that jingle in your ear, whatever it is, and you end up going into McDonald's to buy. Why? Because you've been saturated with advertising. So I would argue, with electoral reform, for trying to find ways to limit campaign expenses.

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I would also want to deal with issues of parliamentary reform in order to give the public more say about what happens in the Legislature so that we can deal with bills like Bill 91, where the public really does have an interest that it wants to put forward and people want to see their government and the opposition parties working together for the betterment of the legislation of Ontario, for the people of Ontario. I think Bill 91 gives us an opportunity to talk about that.

Je dirais que c'est vraiment triste quand on voit jusqu'à quel point la politique de l'Ontario a été en arrière quand ça vient au processus démocratique. On a la chance aujourd'hui, à travers le projet de loi 91, de dire, « Oui, tous les partis, les néo-démocrates, le Parti libéral et le Parti conservateur—je dois dire réformiste. Ce n'est pas vraiment un Parti conservateur; c'est un Parti réformiste. Écoutez. Stockwell Day et Tom Long seraient très contents de s'asseoir sur les bancs du gouvernement de l'autre bord. Or, on va les appeler les Réformistes. Ah, non, ce n'est plus réformiste; c'est merde, le parti merde. C'est ça qu'on dit, CCRAP, « merde » en français? Je pense que oui. Ou l'Alliance. J'oublie. Il y a eu assez de termes qui ont changé dans ce parti que l'on ne sait plus.

Le point, c'est que la Loi 91 est un exemple où tous les partis sont venus ensemble pour regarder un projet de loi et dire, « Y a-t-il une manière qu'on peut travailler ensemble? Y a-t-il une manière non partisane d'approcher un problème dans la société de l'Ontario afin de trouver une solution? »

Je donne le crédit au gouvernement. Il y avait beaucoup de fois que vous m'avez vu me lever, dans cette Assemblée, de la part des citoyens de Timmins-Baie James pour dire : « Ce gouvernement est pourri. Il fait des méchantes affaires. » Mais dans cette situation on peut dire que oui, on fait une bonne affaire. On dit en anglais, et on dit en français le même dicton : « Say it the way it is. Dis-le comme c'est. » Il faut dire que dans cette situation le gouvernement fait la bonne affaire.

Mais je veux dire que c'est un bon exemple de comment on peut travailler ensemble. Si on regarde, dans cette circonstance, la Loi 91, et on a vu ça avec d'autres lois à une couple d'occasions dans cette session, où le gouvernement a essayé de trouver une manière de travailler avec les partis, vous allez voir, membres du gouvernement, que l'opposition n'est pas, comme vous dites, tout partisane. Nous les députés de l'opposition, néo-démocrates comme libéraux, sommes ici pour les mêmes raisons que vous. On a une philosophie, une idéologie, qui est différente de la vôtre. Je dirais que les libéraux et vous êtes pas mal proches. Nous autres, on n'est pas mal loins, mais c'est une autre histoire—ben, certains dans le Parti libéral, parce qu'il y en a des progressistes, comme M<sup>me</sup> Boyer et M. Caplan. Ils sont progressistes, puis je le reconnaît. On ne va pas être trop partisan aujourd'hui. Il faut essayer un peu, madame Boyer. Après tout, je vous dis, il y a de la place pour les francophones chez les néo-démocrates. Venez nous voir. Il y a un siège : neuf à 10, c'est le fun. Je vous fais l'heure pour le public. Je demande au monde de votre comté de vous contacter pour dire, « Traversez le plancher. » Venez au Parti néo-démocrate. Vous, les francophones, êtes toujours bienvenus.

*Des voix.*

**M. Bisson :** C'est M. Beaubien. Venez. On a besoin de francophones. Nous reconnaissons que les francophones ont besoin d'une voix dans cette province, et notre parti a toujours été vu comme un parti qui ne dit pas seulement qu'on est en faveur d'avancer le dossier francophones, mais on veut l'avancer, comme on l'a fait en tant que gouvernement et comme on continue d'essayer de faire en opposition. Je sais que M<sup>me</sup> Boyer est partisane, comme moi, quand ça vient à ce dossier. Après tout, on est francophone, numéro un. Monsieur Beaubien, je veux dire que vous êtes dans la même situation. Peut-être que votre idéologie est un peu méchante, mais il y a de la place ici pour vous comme francophone.

Mais je veux revenir au point. C'est le « fun » de voir qu'il y a des francophones à l'Assemblée, aux deux bords de la Chambre, qui peuvent parler français et qui peuvent s'envoyer—comment dit-on « heckling » en français?—qui peuvent hurler à travers la Chambre en français. C'est donc beau, puis j'espère et je sais que M<sup>me</sup> Boyer fait ça avec son caucus, puis j'espère que M. Beaubien prendra cette occasion dans son caucus pour dire : « Levez-vous comme francophones. Parlez français. On est fiers d'être francophones. » C'est l'occasion pour nous, à l'Assemblée, de dire qu'on est fiers. On est une société



importante en Ontario, on est un peuple important, et on veut faire avancer notre dossier. On veut dire au monde qu'on est fiers d'être francophones puis on a une place dans cette province.

On continue le débat. Je veux dire que c'est une situation aujourd'hui où on trouve que l'opposition travaille avec le gouvernement pour avancer un problème avec la Loi 91. On veut trouver une manière d'éliminer les véhicules endommagés par un accident et qui doivent être ôtés du système. Présentement, sans cette loi, comme nous trouvons tous, le gouvernement ainsi que l'opposition, trop de véhicules reviennent dans le système parce que quelqu'un prend un véhicule qui est supposé d'être fini, qui est supposé d'être hors du système parce que le châssis est complètement fini, et il le répare. Il ramène le véhicule dans le système, et parfois la personne qui l'achète ne sait pas ce qu'elle achète. Elle se trouve dans une situation où elle a acheté un véhicule qui n'est pas correct. C'est dangereux pour eux, leur famille et les autres sur la route.

Le gouvernement essaie avec cette loi de trouver un système où, une fois qu'on détermine qu'un véhicule n'est pas réparable, on ôte ce véhicule du système en ôtant le numéro « VIN » de la banque de données dans les ordinateurs du ministère des Transports. J'essaie de le trouver en français mais je ne le trouve pas—véhicule information number. On ôte ça du système pour que ce véhicule ne puisse pas revenir dans le système. Je pense que c'est une bonne affaire. Comme j'ai dit, ce projet de loi nous donne une chance de parler de comment on peut travailler ensemble.

I would be remiss, in a debate around transportation, not to talk about northern transportation, because in this House we all know how important transportation is to all parts of the province. For our part of the province, highways are especially important because we don't have the various modes of transportation that other people have in more fortunate parts of the province. If I live in Toronto or Ottawa, there are planes leaving every five minutes to all parts of the country; there are trains going daily, almost hourly in some cases; in cities like Toronto you have subways where you can jump in at one station and go to the next. You have good transit systems. You have GO Transit, all kinds of great transportation systems in southern Ontario that I envy, and I say, as a northerner, "Boy, I wish we had some of those services up there," Mr Speaker, as the member from Sault Ste Marie, you know just how important transportation is to economic development. It is very important.

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** What about the Polar Bear Express?

**Mr Bisson:** I'll talk to you not only about the Polar Bear Express but about polar bears. Some people have accused me of being a polar bear, but that's another story.

Transportation is important. I want to say to the government across the way, and to the minister who I'm sure is listening somewhere in the building because I know he takes his responsibility very seriously, send

some shekels our way. Help us in northern Ontario keep on with the work we've done with previous governments, with the Rae government and, I would argue, the Peterson government to an extent, and certainly the Davis government, to build the various modes of transportation we need in northern Ontario to develop our economy.

There used to be a time—Mr Speaker, in Sault Ste Marie, you know. Do you remember norOntair? NorOntair was a crown-owned, provincially owned airline that provided east-west connections in northern Ontario so that if I was travelling for business, pleasure or whatever, I was able to get on a plane in Timmins and arrive in Sault Ste Marie or Thunder Bay or Atikokan or Moosonee or wherever it might be in northern Ontario. Unfortunately, the government made a policy decision. They said: "We have great ideas. We are the party of the right. We are the Reform Party, CCRAP, the Alliance Party," whatever they call themselves.

**Mr Brad Clark (Stoney Creek):** Reform.

**Mr Bisson:** Reform, exactly. They're doing it on the other side. They know what I'm talking about.

**Mr Clark:** Reform's not provincial.

**Mr Bisson:** Did anybody hear that? That was pretty good. I hope you picked that up on the mike. That was the best imitation of Preston Manning I've heard in a long time.

They took norOntair out. They said: "Shut down norOntair. We believe," said the Conservatives, "that we will end up having equal or better air transportation in northern Ontario as a result of getting the government out of the face of business."

After all, that is the mantra of the Conservatives. The mantra of the Conservatives is a very simple one: Government bad; private sector good. It's like, "Me Tarzan, you Jane." That's about the height of the intellect of the Tory caucus and the cabinet room. What they did was, they went and took norOntair out of the system. And now they've said, "We're going to be better served in northern Ontario when it comes to air transportation."

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*Interjections.*

**Mr Bisson:** I listen to the hurling and the heckling on the other side of the way of the parliamentary assistant to tourism saying—oh, it's OK, Mr Speaker. I'm perfectly capable of—

**The Acting Speaker:** The member for Brampton Centre will give himself a heart attack. Give the member from Timmins-James Bay a chance to put his thoughts on the record.

**Mr Bisson:** Mr Speaker, you found out what my plan was. Poor Joe, I was trying to give him a coronary.

But I want to say that in the norOntair situation the government got rid of the airline back in 1995-96. The government promised us we were going to have better air service in northern Ontario. If you don't live in Timmins, Sudbury, North Bay, Sault Ste Marie or Thunder Bay, that is the extent of the service, because if you're trying to travel into Kirkland Lake, Earlton or Cochrane, you can't get there by plane. That's only three communities,

because no longer does norOntair offer any service because the government got rid of it. Matheson doesn't have an airport so they can't land there; helicopters maybe.

But the point is, the government promised us as north-erners that the private sector would move in, they would kick the public sector out of the way and we would end up with a much better service in northern Ontario. What did we end up with? A loss of jobs in your community, Mr Speaker. I know you fought hard on behalf of your citizens to make sure you protected not only air service in northern Ontario but the jobs in your community where norOntair based its maintenance services, but we don't have service in communities like Kirkland Lake.

I want to say to the members across the way, my good friend Tony Martin, the member from Sault Ste Marie, who's also in the chair today as Speaker, and I travelled northeastern Ontario this spring to talk to communities like Kirkland Lake about what it meant to them. When, along with Mr Martin, I talked to people like Don Studholme, the economic development officer and also involved with the town administration, we said to them, "What does it mean?" They said, "It's very hard for us to attract business into our community." He gave us but one example. They are trying to specialize themselves as a community when it comes to waste treatment, the technologies of treating waste. Kirkland Lake is trying to find a niche for themselves. They managed to attract a couple of interesting investments into that community when there was airline service in place. Right now, they're working on two proposals to attract to their community two other individuals who are prepared to invest and build plants in Kirkland Lake, to give people in that community good jobs. Mr Speaker, Mr Studholme—well, you know; you were there—and others in that community said, "It's very difficult to do when business people are not able to travel in by air, because time is money for them." If they can't get from point A to point B fairly quickly, it is very difficult for them to do business. One of the only reasons the company that's there now stays is that the owner flies his own plane. That's one of the reasons he's able to stay there. But in the case of new investment it makes it difficult.

We talked to people in Earleton—same story. We talked to people in Kapuskasing where Air Quebec is only offering one flight a day because norOntair is no longer there. Air Quebec, being a private corporation—and I understand that—they're there to make money, and if they can't make money, they either get out of the way or don't do it at all.

J.C. Caron, who's a very good friend of Mike Harris and the Conservatives, is really worried about what this means to his community and says to me as a New Democrat, "Listen, Gilles, I don't always agree with the NDP, but in this case we've got to do something to try to provide air service to the people of Kapuskasing." I've seen him on a number of occasions speak out at the chamber of commerce, at council and in the media about his frustration with Air Quebec reducing services down

to one flight a day because he understands as a business-man. Mr J.C. Caron is a very respected businessman in his community, as well as the mayor of that community, and serves his people very well.

He stands there and says: "Listen, I'm a business person. I understand how to run a business. I also understand how to run a town. I know as the mayor and as a business person that if I don't have the infrastructure in place to attract businesses into my community and to attract investment and to allow people in my community to develop their business prospects so they can go out and trade outside of our community and hopefully bring some of that money back by way of trade, it's hard for me to do my job, both as the mayor and as a businessman."

I say to the government across the way, you promised in 1996 that if you got rid of norOntair, the private sector would walk in and take over and do a great job. Do you know what? You failed. Quite frankly, you failed. You even tried to give subsidies to the airline services, and the subsidies were not enough. The \$75,000 per year that you give Kirkland Lake, Earleton, Kapuskasing and Hearst and others to provide air services ain't doing it.

As a result of your policy initiative of getting rid of norOntair, communities in northern Ontario are being hurt. I say, as a New Democrat, Mr Speaker, as you do—because I've heard you say this—it is important for the government of Ontario to take its responsibility and to recognize it is the government. Their responsibility is to put in place policies that work for people and the communities they live in. And yes, it means to say that if a government has to provide, by way of the tax base, some dollars to operate these services, so be it. That is the job of government.

You know what happens when government gets away from its responsibilities of not providing that infrastructure, of not providing its responsibility. People die, as in the case of Walkerton. That's unfortunately a good example of what happens when governments get out of their responsibilities and say, "We as a government are going to get out of your face," by weakening environmental legislation, deregulating all of the regulations in place that they see as a hindrance to business and firing all the Ministry of the Environment employees. Basically, what happens after a time is that our infrastructure starts to crumble and eventually, as in the case of Walkerton, people die.

With the case of the norOntair transportation issue, you're in a way killing some of our communities. I guess there is no other way of putting it. I look at what's happening in communities like Hearst, Kirkland Lake, Earleton and various other communities. You've got local communities that are working really hard, because they are people like you and I. They're hard-working, honest people who are trying to do the best they can to make their communities operate and to make sure that in the end they are able to provide the kind of leadership and the kind of infrastructure those communities need to develop economically.



But it's hard when you've got a government that doesn't want to take its responsibility. It's tough when you've got a government that says, "We're the ungovernment government." These guys ran in 1995 opposed to government. They're the anti-government party and in 1995 they got people to believe that if you got government out of the way everything would be better. Everything isn't better and, in the case of northern Ontario and the economy of northern Ontario, we're lagging the boom in southern Ontario. One of the reasons is not because we're not any better than the south—I think we're probably as good if not better—but that we don't have the tools to make that economy prosper.

Can you imagine, member from Brampton—I know it's a long name on the riding and I don't want to take a stab at it. Mr Spina is a good friend of mine. We banter a lot, but we actually get along fairly well. Can you imagine what would happen if your communities didn't have good transportation? It would mean that the economy in your communities would really suffer. Imagine if we went to Mississauga or Brampton or Peel, wherever it is, and said, "Let's get out of rail service and good highway services into those communities." I'll tell you.

**Hon Mr Baird:** The Liberals did.

**Mr Bisson:** Yes, unfortunately it did happen under other governments. You say the Liberals; I don't remember, but I take it at face value. But I say your community would be hurt, and that's what happened to ours.

That's only one mode of transportation, air service. As a New Democrat, I say to the government, if we return to government—as I am sure we will at one point; the pendulum swings both ways and eventually it comes back—we will look at that issue to find a way to provide air transportation for people in northern Ontario to make sure they're able to compete with other people in the south.

Another transportation issue that touches northern Ontario is rail. Can you believe this? The PCs years ago created Ontario Northland in order to make sure that we had rail service in northern Ontario, to provide shipping opportunities for our mills, our factories, people engaged in the business of extracting natural resources and shipping them to market and bringing things back into the north, but more important, to provide transportation for people.

This government, as they did in the case of northern Ontario, got rid of the subsidy and said: "The private sector will walk in and do better. If government gets out of the face of people, if we as a government stop throwing money after a bad thing, Ontario Northland, things will be better."

That's basically what their theory is. The theory of the Conservative caucus—or should I say Reform-Crappier Alliance, whatever they call themselves—I would say—

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**Mr Clark:** Reform is not provincial.

**Mr Bisson:** Well, no, it's the same thing. Tom Long is provincial. He's trying to run Reform for the federal alliance now. Tony Clement is a member of the Reform

Alliance crap party. So you guys are the same; those are your brothers.

*Interjection.*

**Mr Bisson:** I wish I could turn my mike so people could pick up what he's saying; he has the greatest imitation of Preston Manning. It's hilarious.

Anyway, I just say to the members across the way, Ontario Northland was put there for a reason; it was put there as an economic development tool for the north. And your government, I'm afraid, doesn't have the vision it takes to allow that company to go forward and do what it needs to do to continue in its mandate of economic development. I would suggest to the government that if we really wanted to, we could make Ontario Northland a real economic boon for northern Ontario. For example, if we were to give the ONTC, over a period of five years, \$20 million or \$25 million, \$5 million a year, imagine what we could in northern Ontario to provide the marketing opportunities to develop tourist destination packages that utilize rail service in northern Ontario.

I'll give you an example. Imagine if we were able to sell packages in Europe and North America and the United States that said, "Come and travel the north like the Orient Express," same idea as that. "Come for four days, come for five days, come for two weeks and enjoy the winter season in northern Ontario where you'll be able to do some cross country-skiing, some snowmobiling, some snowshoeing," whatever it might be. "We'll introduce you to some of the best hotels in Ontario and provide you with some of the best service you can get anywhere," or if you want to go fishing, or hiking, or participate in ecotourism. Imagine what that would mean to the northern Ontario economy. It would bring literally millions of dollars into our communities, with a small investment of \$25 million.

Do you think I'm far-fetched? Let me just give you an example. Our government, back in 1991-92, in the middle of a recession, I might add—and we were criticized for this and I was criticized for it as member—created a snow track program. That was a program where we put forward I think it was \$5 million a year for three years to develop the snowmobile trail system in northern Ontario. When we did it, boy, were we criticized by the opposition parties of the day. We were criticized even by our own people in our communities. "Imagine that, the NDP taking \$5 million a year in a time of recession to build snowmobile trails in northern Ontario. How stupid," they said, the chamber of commerce and others in my community and other communities across the north. You won't hear anybody saying that today, because all of a sudden we've developed an industry in northern Ontario.

We're selling in the community of Timmins alone almost a thousand sleds a year by way of dealers. That means that people like J&B Cycle and Marine in Timmins, people like Mikey's, people like Riverside Marine are out there selling snow machines. They're hiring people in our community to be salespeople, to be service people, to do what has to be done to sell them.

But it doesn't stop there. All kinds of restaurants and hotels across the community and across the north have had economic activity they would have never had if it had not been for that initial investment of \$5 million a year over three years.

In a time of recession, people said: "Don't spend \$15 million, Bob Rae, Shelley Martel, Gilles Bisson. It's a waste of money. You're never going to get it back. What a bunch of morons." I remember Mike Harris standing here criticizing us. Well, now we recognize that \$15-million investment has come back to the government big time. You talk about tax cuts coming back to the government. Tax cuts don't come back to the government. You and I know where they go. I took my tax cut and you know what I did? I went on holiday and spent my money out of the country. That's what I did the last time. And a whole bunch of people do that.

**Mr Clark:** I went up north.

**Mr Bisson:** Yeah, right. I didn't see you. I'd have taken your picture if you'd been up north and put you in every bloody post office in the country. That would be news in itself. A Conservative coming up north; what an oxymoron that is.

**Mr Clark:** I've been through the Arctic. Have you?

**Mr Bisson:** Yes, I've actually been further north than most people realize. Anyway, there are places in your mind even I'd be afraid to go, said Mr Stockwell one time. I thought it was a good line but not the right time.

Anyway, the point is that that small investment of \$15 million—and for some a big investment—brought back a lot of money into the northern economy. So imagine if we were to say, "We'll take \$25 million and we'll give it to the ONTC to develop tourist destination packages so that we can find ways to attract new people into northern Ontario by way of the train." I would argue that \$25 million would come back to the government big time in the way of provincial sales tax and other taxes it collects as a result of new activity that would be created in the economy of northern Ontario.

And what it would mean to our people—it would mean jobs, it would mean economic opportunity for small business people and people trying to do something with their lives when it comes to this economy. People would feel excited and re-enfranchised in what goes on in the economy of Ontario. But it doesn't happen, because this government says: "Oh no, subsidies are bad. Government doesn't have a responsibility. Leave it all to the private sector." I'm sorry, it doesn't work that way. If you live in a big market, if you live in New York City, to an extent, of course, the private sector will move in and do a whole bunch of things because the economies of scale there make some sense. But when you live in smaller communities, as I know a number of you do in southwestern Ontario, things don't happen unless your community government or provincial government does it for you—I shouldn't say "does it for you"; that would be wrong—helps you to do it with you. That would be the best way to do it. We develop our local economies how? We have developed our local economies by working

together and providing provincial and federal leadership to help communities along to make that happen.

I say as a New Democrat that this government should take heed of the comments that I make here today. Invest in the people of northern Ontario. Help develop the ONR train in a way that it really could be, when it comes to not only helping people transport themselves up and down the Highway 11 corridor, but being able to do economic development as well.

The other transportation issue for us in the north is highways. I don't ever remember highways being in worse condition than they were in the last couple of winters. This government said: "Ministry of Transportation employees don't know how to clean highways, and we know that if we give it to the private sector by way of area maintenance contracts, everything is going to be great. They're going to plow your highways before the snow hits the ground. The plows are going to be there taking it out because the private sector is so smart they're beside themselves." Do you know what? Some people in northern Ontario—not all, because a majority of them don't believe this kind of stuff—said: "Yeah, you know, the private sector's better. Get the government out of the way. Those MTO guys don't know how to do anything. They're government employees." "We all know government employees are lazy and no good," said all these Tories. "Let the private sector in. They're smarter."

Here's what they did: They basically privatized highway maintenance in northern Ontario, as they did across the province. They didn't save any money. It costs us more money than it did back then. I remember the Minister of Finance standing up and saying, "If we don't save at least 5% or 10%"—whatever it was—"we're not going to do this." It's costing us more than that now. And do you know what? Are the contractors any more efficient? No. How do they end up with more money in their pockets? It's very simple. They pay their employees less money. You don't have to be a rocket scientist to figure that out. Basically, how do you make more money? If the contract is X amount of dollars, you either cut back on service or you pay your employees less.

**Mr Bisson:** You shake your head: "No, no, I'm a Tory. I don't know anything." Come on, give me a break. You're smarter than that.

*Interjection.*

**Mr Bisson:** You have to defend the line of your government; I understand that. I've sat on both sides of this House. Sometimes government members have to do some pretty stupid things. I hope I've learned from my experience of being on both sides of the House. I hope I'm able to bring some common sense, not only in opposition, but when we return to government, as I know you will, Mr Speaker, along with me.

I say very simply—

*Interjections.*

**Mr Bisson:** Look at that. We've got them excited on the other side. I have to give the same warning you gave before: Stop that, you'll have a coronary. I don't want you being a burden to our health care system.



Anyway, I say quite simply that now with the highway area maintenance contracts, we have contractors who are doing the work that used to be done 50% by MTO employees and 50% by contractors overseen by the ministry. We're not saving any money and highways last winter, as the winter before, have never been in such bad shape as they are now. Like you, Mr Speaker, I have to drive Highway 11 regularly because my riding extends along Highway 11, as the riding of the members from Timiskaming and Algoma and Sault Ste Marie and Thunder Bay and other places—Nickel Belt. I can think of at least three or four times last winter when I've driven up to Kapuskasing or Smooth Rock Falls or Hearst and I've had to take a room and stay overnight. That never used to happen before, because Ministry of Transportation employees were out there keeping our highways clean.

Unfortunately, the contractors—I don't know exactly why; part of it is because there has been a real learning curve for them to learn how to do it as well as the Ministry of Transportation employees. They figure the faster you drive down the highway with a plow, the more money you're going to make. They don't realize they're blowing all the snow over the wing as they're going down the highway, so they take the snow out on the front of the plow and they put it behind the plow. I had to call the Ministry of Transportation office and say to the supervisors, "Would you tell those stupid plow drivers to slow down?" I follow them and they've got more snow going up in the air than they've got going in the ditch. You don't have to be a rocket scientist to figure that one out. Eventually, they slowed the plows down.

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When it came to the idea of salting, they were throwing salt on the highways in 20 below weather. I couldn't believe it. Do you know that salt usage actually went up under the contractors? Maybe that's one of the reasons we were spending more money, because they get more money for throwing more salt on the highways. It's a cost-recovery basis. Everybody knows that as the Ministry of Transportation you don't throw salt out on a highway at 20 below zero. It just blows off on to the sides. It doesn't do anything. It doesn't get active until it's above that temperature.

That's the private sector. They know how to do it best. Boy, they're rocket scientists. The public sector doesn't know how to do anything.

I have to say to the government across the way that I hate to tell you, but we told you so back when you did this, that at the end it was going to be more expensive and we were not going to get better service. I say, as a New Democrat, that it's important government take its responsibility. There is a role for the public sector as there is a role for the private sector.

The public sector's responsibility is to provide good infrastructure so that business can operate within the jurisdiction. When government doesn't take its responsibility to provide good infrastructure, business crawls. That's what we're seeing happen in northern Ontario. It's actually very sad to see that it's going on. It's an example

of your failed agenda, your agenda of doing more with less, your agenda of getting rid of the public sector because the private sector does it better by way of privatization, your failed agenda of deregulating, what you call "cutting red tape." At the end of the day, it doesn't work.

This government forgets why all that was put in place. Governments over the years, Tory governments included, put in place legislation and regulations and programs to deal with problems of the day. I'll give you a very quick example: Hydro. This is an example as it relates to Bill 91. Hydro in this province used to be all run by the private sector. Way back when, early on in the history of this province, in the early 1900s—1903 or 1905 or whenever it was—the government recognized that there was way too much going on as far as waste was concerned in how the private sector was running its operations when it came to the generation and delivery of power.

They said: "You're paying different rates. If you live in Niagara Falls or you live in Toronto or you live in northern Ontario, there are different rates. How can you run an economy that way?" The supply was not as steady as it should've been. The government stepped in and they regulated and eventually created a monopoly called Ontario Hydro, so that no matter where you lived in Ontario you paid the best possible rate, the cheapest possible rate for hydro. If you look at our jurisdiction, compared to every other one, Ontario Hydro rates were among the lowest in North America.

This government privatizes Ontario Hydro, splits it up into three factions. We now see that the private sector that has moved in is going to the Ontario Energy Board and is trying to raise the price of hydro: in Toronto by 6%, and in Rainy River by almost 100% for one of the users up there.

Now the government runs back into the House with a bill and they say: "We've got to fix this. Let's re-regulate the price." Won't you admit that your agenda has failed and doesn't work? You got this agenda by watching too many John Wayne movies and listening to too many of Mr Reagan's speeches. It doesn't work down there any better. The only reason they get away with it is they have a much bigger population base. Their economy is much bigger. Therefore, they're better able to sustain those kinds of attacks on regulation and good government.

I want to say to the minister who is sitting with my father—isn't that nice? Everybody in the assembly should look at this. It goes to show that sometimes we can be somewhat non-partisan. We've got my good friend Mr Spina; we've got the Minister of Transportation, trying to suckhole a vote out of my father. My dad'll always vote for me. You can't buy his vote. I thought you'd like that one.

We don't always agree, as I've outlined in this speech, when it comes to every item. Are you crossing the floor, Joe? Jeez, this is working. We have a plan and it's working. I like it. That didn't work for us when we were in government. I don't want to try it in opposition.

I don't always agree with what the government across the way is doing. In fact, most of the time I disagree. But

Bill 91 is a good example of how we can do things together and how we as members of the assembly from all parties can look at an issue and say: "There is a problem in Ontario. How can we collectively find a solution?" When we do that—

**Mr Clark:** Bill 68.

**Mr Bisson:** I didn't vote for that one but I agree it was a good process. The point is, how can we work together to solve a problem for the people of Ontario? At the end of the day, if we were to find a way to reform the democratic process in this Legislature so that individual members had a little bit more ability to do that, people would have greater confidence, people would have more

confidence in the politicians and the democratic process in the province of Ontario.

With that, I'd like to thank you for having this opportunity to debate.

**The Acting Speaker:** Mr Turnbull has moved second reading of Bill 91. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be put for third reading? Agreed.

It being almost 6 of the clock, the House stands adjourned until 6:45 of the clock this same day.

*The House adjourned at 1756.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Marie (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Beaches-East York	Lankin, Frances (ND)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiles, de la Culture et des Loisirs, ministre déléguee aux Affaires des personnes âgées et à la Condition féminine
Brampton Centre / -Centre	Spina, Joseph (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Brant	Levac, Dave (L)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Broadview-Greenwood	Churley, Marilyn (ND)	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Bruce-Grey	Murdoch, Bill (PC)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Burlington	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister of Tourism / ministre du Tourisme	Lanark-Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Intergovernmental Affairs, government House leader / ministre des Affaires intergouvernementales, leader parlementaire du gouvernement
Cambridge	Martiniuk, Gerry (PC)	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Consumer and Com- mercial Relations / ministre de la Consommation et du Commerce
Carleton-Gloucester	Coburn, Brian (PC)	London North Centre / London-Centre-Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Chatham-Kent Essex	Hoy, Pat (L)	London West / -Ouest	Wood, Bob (PC)
Davenport	Ruprecht, Tony (L)	London-Fanshawe	Mazzilli, Frank (PC)
Don Valley East / -Est	Caplan, David (L)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Solicitor General / solliciteur général
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Minister of Transportation / ministre des Transports	Mississauga Centre / -Centre	<b>Sampson, Hon / L'hon Rob</b> (PC) Minister of Correctional Services / ministre des Services correctionnels
Dufferin-Peel- Wellington-Grey	Tilson, David (PC)	Mississauga East / -Est	DeFaria, Carl (PC)
Durham	O'Toole, John R. (PC)	Mississauga South / -Sud	<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children) / ministre sans portefeuille (Enfance)
Eglinton-Lawrence	Colle, Mike (L)	Mississauga West / -Ouest	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles
Elgin-Middlesex-London	Peters, Steve (L)		
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines		
Essex	Crozier, Bruce (L)		
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of Labour / ministre du Travail		
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Brenda (PC)		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion		
Halton	Chudleigh, Ted (PC)		
Hamilton East / -Est	Agostino, Dominic (L)		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Minister of the Environment / ministre de l'Environnement
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
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Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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of Ontario**  
First Session, 37<sup>th</sup> Parliament

**Assemblée législative  
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Première session, 37<sup>e</sup> législature

**Official Report  
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(Hansard)**

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(Hansard)**

**Wednesday 21 June 2000**

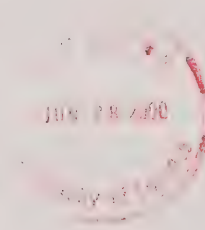
**Mercredi 21 juin 2000**

**Speaker**  
Honourable Gary Carr

**Président**  
L'honorable Gary Carr

**Clerk**  
Claude L. DesRosiers

**Greffier**  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 21 June 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 21 juin 2000

*The House met at 1845.*

### ORDERS OF THE DAY

#### ELECTRONIC COMMERCE ACT, 2000

#### LOI DE 2000 SUR LE COMMERCE ÉLECTRONIQUE

Resuming the debate adjourned on June 19, 2000, on the motion for second reading of Bill 88, An Act to promote the use of information technology in commercial and other transactions by resolving legal uncertainties and removing statutory barriers that affect electronic communication / *Projet de loi 88, Loi visant à promouvoir l'utilisation des technologies de l'information dans les opérations commerciales et autres en éliminant les incertitudes juridiques et les obstacles législatifs qui ont une incidence sur les communications électroniques.*

**The Acting Speaker (Mr Tony Martin):** I believe it's the third party. The member for Timmins-James Bay.

**Mr Gilles Bisson (Timmins-James Bay):** Mr Speaker, say that with feeling, "the third party." I don't believe we have a quorum.

**Clerk at the Table (Ms Lisa Freedman):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** The member for Timmins-James Bay.

**Mr Bisson:** Thank you very much, Mr Speaker. Two minutes. You guys are getting slow trying to hold quorum in this Legislature. I've got to say that when we were government, and I'm sure when the Liberals were government, we didn't have problems keeping quorum. I really wonder sometimes.

This is resuming debate in regard to the e-commerce bill which the government brought forward this week, I guess it was, at the beginning of this week. I was saying our caucus, myself included, is generally supportive of what the government is doing here. We understand the government is trying to find a way to regulate some of the activities that happen on the Internet when it comes to electronic commerce. As we know, presently there is really no standard in regard to how we deal with finding ways to validate trades that are made on the Internet or commerce that is done on the Internet to make sure that people, when they engage in some sort of commerce on the Internet, can verify that they are themselves. As we

know, right now the only way they can verify is whatever protocol they have set up on a particular Internet site, and it varies from site to site. So there is a problem. If you have a document, is that document actually signed and is it actually the signature of the person supposedly sending in the e-mail saying, "I want you to release this information" or "I want to purchase" or "I want to do business with the government"?

I think the idea is basically not a bad one, to say we are moving towards trying to find ways to utilize technologies that are more in keeping with where these technologies are going and understanding that if we're able to find a way to make sure the signature of the person who's sending the e-mail is valid, that's maybe not a bad thing. For example, if you're trying to do business with the government of Ontario and you want to sign some sort of legal document, basically the signed document on the Internet by way of e-mail would have the same validity as a document that's signed in person in the presence of witnesses.

As I was saying in this debate earlier, the premise is not a bad one, and I think we can support that. The problem is, we need to make sure this bill goes to committee in order to deal with the many issues that arise from this particular bill; for example, what standard or what protocol the Internet will be utilizing when it comes to Ontario for making sure the signature is indeed the signature of the person who signed.

I was saying earlier that there are different technologies. If I wanted to contact the Ministry of the Attorney General by way of the Internet and to get some information from the Family Responsibility Office, as an example, the Ministry of the Attorney General could decide by way of a PIN, as much as you have with your bank card. That would be the way to ensure that it is actually you asking to access the information and not somebody else who's trying to get it, or if you're trying to sign a document to give authority to the Ministry of the Attorney General or some e-commerce business to purchase or to OK some type of transaction on the Internet, release of information, for example, that in fact it is proven that you're the person who's sending in the request and that it holds the same weight in law. As it stands right now, only my signature will stand up in court. An e-mail obviously doesn't have the same weight as a signature, as there's no way to make sure the person who signed is actually the person who sent the e-mail.

The issue for me as a New Democrat is, if we're going to go the way of this new technology, which I think is a good idea, we have to make sure a couple of things



happen. The first is, we need to talk to the best people we can when it comes to figuring out what type of technology we're going to use to make sure the signature is valid. As I was saying earlier, one of the technologies is a PIN. Another one is putting scanners on computers that are used for this type of function, so that a palm print or a thumb print is a way of authorizing a signature on a document or release of information by way of my signature. There are various types of encryption methods that could be utilized.

I just want to make sure, as do other members in this assembly, that if we go this way, we have good public hearings to allow people—and I'm not just saying the normal half day or 30 minutes of public hearings that we normally have now that the Conservatives have taken power with yet a second majority, but rather good, extensive public hearings. I see this as a non-partisan issue, so that we can tell people across this province: "Listen, your government is looking at doing this. We, as members of the assembly, want to make sure that we cover off the bases." If there is technology out there that's better than another, we want to know what it is. We need to talk to the experts within the field who can tell us which way we should do this and how it can best be done in order to protect the public.

The other issue I want to put on the record again is the whole issue of making sure that if we go this way, we don't take away the ability of individuals to transact business with the government because the only choice they would have is to do it by way of the Internet. I'll just give you an example. Do people know the initials FRO? Certainly as members of the assembly, we know what it is. It's the Family Responsibility Office, the old SCOE. Ever since Charles Harnick, the former Attorney General, decided to centralize all of the services out of Toronto, we've had nothing but a mess in the Family Responsibility Office. Payers of support payments—the husbands in most cases; in some cases wives but mostly ex-husbands—who are trying to make sure their responsibilities for payment of support payments are met are sending in the money, or in some cases are being garnisheed. The money is being received by the Family Responsibility Office, and unfortunately there's been a mess at the Family Responsibility Office for the longest time because this government says: "Government is bad. Get rid of all the civil servants. We don't need those pesky civil servants getting in the way of business." We've got rid of all of those people and now it takes forever to try to process anything.

So the payment is received in the Family Responsibility Office and the left hand of the Family Responsibility Office doesn't know what the right hand did. The payment comes in this hand, and the left hand doesn't tell the right hand to make sure to sign off to the payee that the money has actually been received. What they end up doing is putting the payer in arrears. Often what ends up happening is that the employer gets pestered by more requests to get payment, to put him into a garnishee situation or, in many cases, as we know, the payer ends up having to pay twice. There's a whole difficulty.

My point is this. If we go the way of this technology and the government says: "Hey, we can save money. We don't have to use stamps. We don't have to send documents by way of Purolator or Priority Post or registered letter. We can save lots of money if we just do it digitally by way of the Internet," and from now on we have a government policy that says no more can you get stuff on paper, I don't want to go that way, and I think most Ontarians don't want to go that way. I would suggest even some Conservative—or should I say Reform, CCRAP, Alliance, whatever they're called these days?—don't want to go that way, either.

*Interjection.*

**Mr Bisson:** There he goes, the Reform guy again. I like that.

They don't want to go that way either, because it means those people who are not comfortable with or don't want to use technologies could potentially end up in a situation where they would be forced to use a technology that they don't want to use to get documents or to authorize record-keeping on the part of the province of Ontario. I know some members across the way in the Reform party—or CCRAP, or merde, or whatever it's called—would say, "We're not going to go that far." I think that's an issue we have to talk about at committee, because there is a danger, once we go down this path, that the government, for cost savings—either your government or our future government or somebody else—may be tempted to say we could save a lot of money if we did everything electronically. I think we need to look at that issue to make sure we don't end up in a situation of barring people's access to information or to their records or transactions with their government or others by way of this new technology only.

I say to the government across the way, in many, many instances you guys—mostly guys, some women—have come into this House and said: "Oh, well, we know best. We're Conservatives"—Reform, CCRAP, merde, whatever you're called. "We're going to get rid of government. We're going to make things more efficient." We find out after the fact that it's not more efficient. Walkerton is a good example. You guys said you were going to make water testing and water purification plants more efficient. You were going to get rid of regulation. You were going to get rid of red tape. You were going to get rid of all those pesky enforcement officers that worked for the Ministry of the Environment. You slashed their budget by half. There is a cost. People in Ontario died, and it's suspected many more died as a result of that decision.

I said earlier, in another debate, you guys deregulated Ontario Hydro and you privatized it and you said: "We're all going to save money. We're all going to have cheaper rates." I remember Mr Harris getting up and promising we were going to pay less for hydro as a result of privatization. Now the Minister of Energy has got to run in the House and introduce legislation to re-regulate the rates because the private sector is going to the Ontario Energy Board saying, "Jack the rates up"—in Toronto

alone, 6%. You said, in the example of NorOntair, that if you got the public sector out of transportation in northern Ontario, the private sector was going to run in and they were going to fill the demand by the public for offer great airline services in northern Ontario. Now the best airline in northern Ontario is Bisson Air. I'm a pilot. I've bought my own airplane—I can afford to do that; I make a good wage here—in order to be able to travel east, west and north. That's the only way you can do it nowadays. Unfortunately, not many people are as lucky as me to make \$81,000 per year, 33% more if the Tories had their way, to be able to do that.

You have demonstrated that your policies, quite frankly, don't work and that you've failed the people of Ontario. The direction that you're taking is not only too fast but, quite frankly, it's in the wrong direction. I say, as a New Democrat, you guys—some women—should basically decide to do the right thing, and that is to remember that your government is governing on behalf of the people of Ontario.

**The Acting Speaker:** Questions or comments?

**Mr Rick Bartolucci (Sudbury):** Technology is great. Advances in technology are great because they allow for the quick and immediate exchange of information. In fact, Ontarians seeking equal cancer care launched a Web site after their news conference. It's up. It's running. I want to let the people of Ontario know how to get to their Web site. It's [www.vianet.on.ca/~funding/travel.html](http://www.vianet.on.ca/~funding/travel.html). It's very, very important for Ontarians—

**The Acting Speaker:** Excuse me. You have to keep that sign down.

**Mr Bartolucci:** Mr Speaker, you're not against equal cancer treatment? Thank you very much, and I apologize for breaking the rules here. But I want the people to go into that Web site and to see the cause that Ontarians seeking equal cancer care are fighting for. When you go in, you'll see the logo—and I know the Minister of Health is here tonight and is very, very interested in the logo. It says: "Cancer doesn't know where you live. Cancer treatment travel grants do." I would suggest to the minister and to the members of the government that they go into that Web site and there's a form where you can sign up. Sign up and show the former chair of the Northeast CCOR, the former vice-chair of Cancer Care Ontario, that you too want equal treatment for cancer patients regardless of where they live across the province of Ontario. I would suggest that if you use the toll-free phone number or the Internet address, you will be able to show that you too believe there should not be discrimination in health care policy in the province of Ontario and that the wrong should be righted.

**1900**  
**Mr John O'Toole (Durham):** I'm very pleased to respond to the member for Timmins-James Bay on Bill 88.

If you look at the intention here by Minister Flaherty, it's to move forward in an industry initiative to encourage and support e-commerce in today's B2B communications. I know of an anecdote in my own riding of Durham

where an individual tried to complete a transaction using a fax and it was questioned as to whether it was a legal document. I think this clarifies, and yet there are areas where the bill does not apply. For instance, in making consent/capacity decisions, where there are aspects involved in more personal detail, it is not permitted. There's a requirement for people, where possible, to deal face to face. So that's what the primary option would be.

You have to be realistic in an e-commerce world. Where people are transacting business, many from their own homes, they should be given much more access or fewer barriers to commerce in our society.

In my concluding remarks, I moved yesterday a private member's bill on the use of hand-held cellular phones while driving a vehicle. I'm interested in hearing from people at my Web site, [www.johnotoolemp.ca](http://www.johnotoolemp.ca), my own Web site. Look it up and let me know your views. I'm suggesting that if you were to use a hands-free device and have both hands on the wheel and your mind and intention to drive safely, that's very important.

This is another form of commerce. We have to get connected. I think Minister Flaherty's done a spectacular job and I expect all members to support it.

**Mr Frank Mazzilli (London-Fanshawe):** I certainly support this bill. Today I supported and spoke to another very important bill, an amendment to the Highway Traffic Act requiring branding of motor vehicles. I listened to the debate of the opposition. They spoke about roads and they spoke about Walkerton and they said they supported the bill, yet refused to even talk about it the bill. I wonder if they even understood it.

Let me make it clear. The member for Kingston and the Islands obviously did not understand branding of motor vehicles and has no concept of what a branded vehicle is. That work, the recommendations to the Minister of Transportation, came from the Ontario Crime Control Commission—myself, the MPP for Cambridge, Gerry Martiniuk. We made some very important recommendations, one that motor vehicles should mandatorily be branded, and not only that but some recommendations for the federal government to increase patrols on our ports where some stolen vehicles are being shipped out of this country, very expensive vehicles—a \$600-million loss in Canada to auto theft, approximately \$50 per insured vehicle.

When the member for Kingston and the Islands took 40 minutes or so to debate this issue, he spoke about roads and he spoke about Walkerton. But really, what he should understand is that mandatory auto branding is for consumer protection, consumers in my riding and consumers in his riding, to allow full disclosure of vehicles that have been written off and then repaired and resold in a legitimate market, and to prevent theft. So I take this opportunity to remind him of what this bill was really all about.

**Mr David Caplan (Don Valley East):** I do want to congratulate the member for Timmins-James Bay on his comments. To the last speaker, the member for London-Fanshawe, that bill was debated earlier today. We're now



on Bill 88, the Electronic Commerce Act. I just want to bring that to the attention of the House.

*Interjection.*

**Mr Caplan:** I certainly will, and please don't interrupt me.

I did want to talk about Bill 88 because it is a very important bill. Bill 88 is important because we do need laws and a structure around electronic commerce, around what constitutes a legal contract, how you have consensus. There is a gaping hole in Bill 88, and I hope the government members will take notice of this. It has to do with issues around privacy and confidentiality of information. This is a critical issue. We've seen examples here in the province of Ontario where those kinds of breaches of privacy and confidentiality can have serious, serious effects.

It was not long ago in this House that Speaker Carr found a *prima facie* case of contempt of the Legislature because of the actions of the Ministry of Finance, ministry of privatization, in giving out confidential information to private companies, for whatever reason. And then we saw government officials and public servants block the attempt of our privacy commissioner to get to the bottom of that particular situation.

I would be remiss, because this is about information on the Internet, if I did not note the Web site to get information about the health care apartheid that is going on. My colleague from Sudbury has chronicled it very well and I certainly want to encourage all members of Ontario to support the member for Sudbury in making sure that this blatant discrimination is eliminated.

**The Acting Speaker:** Two-minute response.

**Mr Bisson:** To the members for Sudbury and Don Valley East, and the other ridings—I'm sorry, I don't remember the names—from the Conservative benches, I want to thank you for your comments.

I want to make my point this way: why I think we need to be careful when treading into new technologies when it comes to having them replace what have been legal practices that have existed for a long time, such as official signatures on documents.

I said earlier it's important that if we go this way we find a technology that works and that has some integrity, and that we make sure we don't end up putting ourselves in a position where the technology may get the better of us; and also that we don't end up giving people no option to go back to the old technologies. I'll tell you why I say that. I know I can't hold this up for long, Mr Speaker; it's against the rules. I'll turn it back this way.

My point is this. In the new technologies—I'll give you an example. Here are two Web sites. One Web site is called [www.vianet.on.ca](http://www.vianet.on.ca) or is that a forward slash? It depends on how you look at it. Then comes a squiggly whatever you call it. Then [funding/travel.htm](http://funding/travel.htm). It's a mouthful. Now, if you remember what I said, you got my point. The other one was [www.john](http://www.john)—underscore, slash or hyphen; I don't remember which one—otoole—was that with the hyphen or without?—[on.something.ca](http://on.something.ca).

My point is, who remembers all this stuff? If we're going to work with technology, let's make it easy so that people understand and there's no confusion.

If you want to visit a Web site, then go to a simple one: [www.gillesbisson.com](http://www.gillesbisson.com). How can it be simpler? If at any time anybody has to check up on anything or let me know how they feel about this: [www.gillesbisson.com](http://www.gillesbisson.com).

**The Acting Speaker:** Further debate?

**Mrs Brenda Elliott (Guelph-Wellington):** I'm very pleased to add my voice to the debate tonight. We're debating Bill 88, and the full title of this bill is An Act to promote the use of information technology in commercial and other transactions by resolving legal uncertainties and removing statutory barriers that affect electronic communication.

I was listening to my colleague across the way read out the e-mail address and I thought, "Well, I'm not the only one who is not very literate in computer language." There are a few people on my staff who will be giggling tonight if they know that I am speaking to this bill, because I am—I am ashamed to admit, but it will be fixed by the end of the summer—relatively computer-illiterate. So if Val or Lynda or Vijay or Lanny are watching, they are not to laugh too hard that I am speaking to this bill.

**1910**

I have a lot of constituents in my riding who know how important electronic commerce is who would be embarrassed if they were fully cognizant of my ignorance in this matter. When I read things like this, that right now 300 million people are accessing the Internet on a regular basis and that over the next three years we know that worldwide e-business will reach US\$1.3 trillion annually, I know what the effect is on Ontario and I know how important establishing a strong economy for Ontario has been for us over the last while. When these kinds of things are important to Ontario as a whole, they're important to my riding of Guelph-Wellington.

This legislation is being presented in the House by the Attorney General. It's my view that this piece of legislation could have been introduced by the Minister of Economic Development and Trade or the Minister of Consumer and Commercial Relations because this piece of legislation is about making sure that Ontario is at the forefront of being able to allow its citizens, its businesses, its public institutions, to be part of electronic commerce and electronic legislation. It brings Ontario laws in line with technological advances by setting out general and flexible laws—I understand that's quite important—which will ensure that electronic contracts, documents and signatures have the same legal effect as contracts, documents and signatures on paper.

We spend a great deal of time making sure that Ontario is open for business, that companies and businesses and entrepreneurs around the world know Ontario is a place to invest. We've spent a great deal of time working to ensure that our education system is improving and able to be one of the best education systems in the world, because we know how very important talented people are to those businesses.

What we are doing here in Ontario is bringing our legislation in line with other jurisdictions around the world. This legislation implements the uniform Electronic Commerce Act, which was adopted in 1999 by the Uniform Law Conference of Canada, which is a federal-provincial-territorial legal body, and this brings us in line with other jurisdictions. Other countries that have adopted a similar type of law include the United States, Australia, Singapore, Hong Kong, India, Ireland, Bermuda, Argentina and Colombia. There's one country there that jumps out at me: Ireland. Ireland has done tremendous things in turning its economy around.

**Mr Brad Clark (Stoney Creek):** What about Toronto?

**Mrs Elliott:** My colleague is giggling about perhaps Toronto being listed there as a country.

When we look at Ireland, we know what tremendous changes they have made, and they have been very astute in looking to the future so that their country is growing and thriving. Ontario needs to pay very close attention to all the things that are happening around the world so we remain a world leader, so our young people have every opportunity, so investors look here with confidence. And Bill 88, in my view, is an essential part of that.

Now, there are some people who are concerned about electronic commerce and electronic business. They're worried that we're not able to protect our privacy and our information. What has pleased me about this bill is that it does contain a number of provisions that respond to the Information and Privacy Commission concerns that were raised. For instance, this act will not apply to facilitate the use of biometric information, information based on measuring physical characteristics like fingerprints and iris scans, unless its use is specifically authorized by other legislation or expressly consented to by the individual. The Information and Privacy Commissioner here has said she's comfortable with the bill in the form it has taken, and there have been a number of discussions with her office.

The other thing that constituents may wish to know is that federal law also safeguards the use of personal information used in e-business.

I'm pleased that those kinds of concerns were taken into consideration as this bill was drafted.

Before I speak a little bit further about the bill, I want to remind our constituents how very important it is for Ontario to be enacting these pieces of legislation. In 1995 we promised that we would create 725,000 jobs here in Ontario. We're going to exceed those expectations, and we've made even further commitments—

*Applause.*

**Mrs Elliott:** Yes, we're very proud of that, because that's a stark contrast to what was happening under the NDP and Liberal governments before that, where jobs were being lost and debt and deficits were created in the face of a strong economy under the Liberals and just generally skyrocketing debt and deficits and jobs lost under the NDP.

We feel it's very important to turn that sort of thing around. Not only have we committed to that and

exceeded that first promise under the Blueprint, we've committed to 825,000 jobs, and so we want to do everything we can to ensure we're on track for those targets. Again, it's because making hope and opportunity and every available job possible for our young people is so very important to us.

The other thing we have done consistently in our term of office, both from 1995 to 1999 and since then, is make every effort to make sure that with whatever legislation we're presenting or new ideas that are being brought forth, we've taken the time to consider the red tape aspect of legislation. When you come here to Queen's Park, it's very easy to think in terms of making laws, creating policy and adding more because there are often lots of reasons and it seems like the right thing to do, but it's also very easy to forget the consequences of every one of our actions on small and medium-sized businesses across the province. Making sure our red tape obligations and requirements are not overwhelming is very important. This bill fits into that category in assisting small and medium-sized businesses.

For any of the constituents who may be watching, or viewers across Ontario for that matter, there's an excellent report that our government distributes called the Ontario Business Report. It comes through the Minister of Economic Development and Trade, and it highlights our success stories, new ideas, new ventures being undertaken in Ontario. I know it's distributed widely across the province, but if anyone is interested in this remarkable publication, I suggest they contact their local MPP and ask that they receive a copy of this. It's very worthwhile reading, and I'm sure that any entrepreneurs would find it very valuable in spending the time.

Earlier this week, I had the opportunity to make a member's statement in the House. In Guelph, we've established what we call quality awards. The chamber of commerce, with KPMG and the city, have decided they want to honour excellent businesses that have taken the time to find ways to make their businesses the very best they can be and who are working to continually improve their businesses. We had an awards ceremony on Friday night in my riding where—I'm not sure of the exact number—I would guess roughly 20 businesses were honoured. These were not simply honours presented willy-nilly to businesses; these were businesses that had taken the time to participate in a relatively onerous process, examining their business practices, their hiring procedures, every aspect of how they do business, and these were then evaluated by experts in the field.

What I noticed was that several of these businesses—and many of them were small businesses—have taken the time to begin to stick their feet into the business of e-commerce. They've recognized that e-commerce is one opportunity for a very small business with a minimal investment perhaps in space and in buildings to be able to compete with very large businesses. Some of them are extraordinarily successful. This type of legislation is very important to them.

Just to close off, I want to remind our viewers that there are four or five key points included in this legis-



lation. First of all, it is enabling legislation. It doesn't require anybody to accept electronic communications. Governments and ministries aren't forced to go electronic before they're ready. It simply allows such communications to be valid when they are used in the instance where laws now require the use of paper documents.

It's minimalist legislation. It doesn't prescribe that certain technology be used. It gives very wide latitude to governments and business to choose the methods they wish to communicate. Again, it deals with this whole issue of reducing red tape and minimizes legal uncertainty in the adoption of modern, efficient communications. It's harmonized. Time and time again, we have spoken in the House about various pieces of legislation—we talked about one this afternoon—where it's very important that, if we can at all, we harmonize our legislation with other jurisdictions, particularly in this case trading partners. It's great to be the leader, but it's also great to be part of a bigger team, particularly when your own constituents can benefit from that. As I said, this legislation is implemented with the uniform Electronic Commerce Act. It removes barriers without placing unnecessary or burdensome requirements on others.

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The other thing that is quite important for this specific piece of legislation is that it has broad support among the legal community. It was developed by a working group that included many private sector participants. They include: IBM Canada, Microsoft Canada, Information Technology Association of Canada, the Canadian Bankers Association and ARM International, which is an association of archivists and record managers.

Despite my own personal illiteracy in e-commerce, I know how important this is to my constituents and to business people across the province. I know how important this is to government, to be able to be modern and responsive in communicating with our constituents. I am very pleased to add my voice in support of Bill 88, the Electronic Commerce Act.

**The Acting Speaker:** Comments or questions. The member for—

**Mr Alvin Curling (Scarborough-Rouge River):** Scarborough-Rouge River, one of the province's wonderful places.

I just want to take a few minutes and comment on the remarks of the member from Guelph-Wellington. What comes to mind when I hear progressive legislation come about is that the people are always ahead of the government. The people are not as illiterate as you may feel; they're way ahead. When I go to them, they are asking for my e-mail right away so they can communicate with me. They're right on target.

As a matter of fact, one of the beautiful things about the Internet and about all this e-mail and e-commerce and what have you, is even the address itself gives a message. You can almost know what they do in their message. One could say "Alvin Curling hot mail." You know what's happening there. As a matter of fact, I was very impressed and pleased to see a message so profound given

in one of the e-mails I saw. This e-mail was the O-SECC Web site. It was a beautiful Web site. I think we all should plug into that. It's Ontarians Seeking Equal Cancer Care. Just in the message itself, the Web site itself, is beautiful and I encourage all those who are watching to plug into that Web site and see what it says: [www.vianet.on.ca/~funding/travel.html](http://www.vianet.on.ca/~funding/travel.html). Sometimes it's just by the visual of it all, and I don't have to read very quickly, as you can see that. That itself gives a perfect message of what the people are about, what they need, and as a matter of fact, brings us closer to the north, although the north is quite upset today that we're not so close, especially with cancer care. They're concerned about why they're not being bridged and funded that way. I think it's a great way to go.

**The Acting Speaker:** Further comments or questions?

**Mr Mazzilli:** I certainly rise to support this legislation, but again, I want to go back to the member from Kingston and the Islands, who obviously was not paying attention through today's debate, who was talking, again, about roads and so on when the debate was an amendment to the Highway Traffic Act to require mandatory branding of automobiles in the province of Ontario. Just so that his constituents get it right, the intent of this government is consumer protection; to protect consumers by giving them full disclosure on vehicles that have been repaired after being written off by insurance companies, and also to prevent the re-VINing—the vehicle identification number—of stolen vehicles. Presently in the province of Ontario, many written-off vehicles are purchased strictly for the value of that vehicle identification number. A vehicle of a similar make and model and year is stolen and simply replaces the one that has been written off and claimed to have been repaired, when in fact there has never been a repair.

Not only is the consumer protected from purchasing a vehicle like that, and perhaps losing it at a later time when it's discovered that it is stolen, but also, if you speak to auto recyclers, they are having to purchase salvage to be sold for used parts from the United States, because our written-off product here in this province has gone up in price to a point where our local recyclers cannot afford it—simply for the value of the VIN, not the salvage. This will add enormous value to the availability of used parts in the province of Ontario.

**The Acting Speaker:** Further comments or questions?

**Mr Bartolucci:** I, too, share something in common with the member from Guelph-Wellington: We're both learning how to work our computer and trying to maximize the effectiveness. I was happy today to be able to take a letter off the computer from David Livingston, and I'd like to read, in part, what it says:

"My wife and I live in Timmins and we have a three-year-old daughter—three in July—who was diagnosed with cancer at just a little over a year of age. Since then, we have travelled to Toronto on many occasions. We would most definitely like to see the travel grant structure changed to reflect equality between patients in the north and south. I have exhausted most of my financial

resources over the past two years travelling back and forth with my wife and then-infant daughter to Toronto. All we have ever managed to get for subsidy has been the travel grant in the amount of \$107 x two each time we go. As you can imagine, this barely pays the gas. When one is faced with the cost of lodging and meals etc while our young one was undergoing chemotherapy when she was first diagnosed, then I am certain that even Mike the spike could appreciate the financial onus placed on parents.

"We must make our next journey for a checkup on July 17 and would certainly like to have this discrimination erased and corrected for the benefit of all."

I suggest to the Minister of Health, who is in the House this evening, that she listen to people like David Livingston. This is real life. This is real hardship. This is a loving father wanting only equal treatment as he helps his child overcome what we all know in this House is a horrible, horrible illness. I would suggest, with all due respect to everyone in here, that we think carefully about our government policies.

**Mr Caplan:** It's really very hard to follow that very heart-wrenching story that the member from Sudbury was talking about. But with regard to Bill 88 and the comments of the member from Guelph-Wellington, I would just like to indicate that the federal government passed Bill C-6, which she referred to. I'll read the title and what the bill is about: An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act.

Bill C-6 covers the entire legal territory of transactions: contracts etc, but it also covers privacy and confidentiality issues. In fact, it places the onus on the provinces to enact similar legislation which will be compatible with that act, which is not unusual for a lot of the federal acts as they relate to this area.

There is a three-year window and a three-year time frame in which the provinces have to comply with that act. Bill 88 is the perfect opportunity to deal with contracts and transactions and privacy and confidentiality issues. No one disagrees that we need to have rules, we need to have a framework and we need to get this done. The world is changing. No one conceived of this 15 or 20 years ago. This wasn't even in the vocabulary. But this is important today and will be important in the future. Privacy and confidentiality issues are part and parcel of what needs to be covered under this kind of legislation.

I say in the greatest spirit of co-operation with members of the government: This is the time to do it. Put it on the table. Let's get it done.

**The Acting Speaker:** Response?

**Mr Clark:** Are you responding?

**Mrs Elliott:** Sorry, Speaker. I was listening so intently to my colleague across the way.

I thank all of the presenters who have commented on my remarks. It is a very interesting field, one I don't

pretend to understand by any stretch of the imagination, but I am cognizant of its tremendous growth.

**1930**

My colleague across the way indicated that the federal government has taken action on this, and that's good. My notes indicated some of the differences from other jurisdictions. Saskatchewan's and Manitoba's legislation are being designed slightly differently than ours.

What our minister has decided to do is to listen to the various stakeholders with whom he has consulted to get their best advice, and of course, as I indicated, very importantly, to the privacy commissioner to ensure that whatever we undertake in this piece of legislation is very comfortable for that officer, whose job it is to speak on behalf of citizens to maintain their privacy.

Bill 88 is an enabling piece of legislation. It is a flexible piece of legislation. It allows Ontario to keep its place as a leader. That's very important to us. As I indicated, our 725,000-job target was reached and exceeded, with another 825,000 yet to be accomplished. We're very much looking forward to that. This type of legislation is important for that because it allows us to be a player. It does not in any way disadvantage our businesses and our entrepreneurs; in fact, it does exactly the opposite.

I'm very pleased to hear support from my colleagues across the way and I know our colleagues on this side of the House are supportive. I hope that when it comes to the vote they will stand in their place and vote in support of this Bill 88.

**The Acting Speaker:** Further debate?

**Mr John Gerretsen (Kingston and the Islands):** Let me first of all say it is nice that in this House we've had three or four bills in a row now, as we get near the end of our session, where there has been a certain amount of unanimity among all caucuses, because we realize these laws are needed. That's a very good sign for the people of Ontario because I think the best laws are the laws that come as a result of discussions between the parties and discussions with the various groups of people out there that have an interest in them.

We saw it with the franchise bill, with which you, Mr Speaker, were very much involved. We saw it today with Brian's Law. The other thing that was nice about that today was that there were actually members in this House who did not agree with that law and they were able to vote their conscience and vote against that bill. I think that says about as much for the system as if we had all voted in favour of it. Those members, I'm sure, really felt that as far as they were concerned they could not support the law. They felt that the freedoms of the individuals would perhaps be unduly and harshly dealt with. So it was nice to see in this House that it wasn't a whipped vote, and I say that with all good intentions because I think the people of Ontario want people to come here and to vote their conscience.

That reminds me of something else, the comments that the member for London-Fanshawe has made on a number of occasions here this evening. He accused me of not



speaking to a bill this afternoon. Of course, nothing can be further from the truth. I spoke about the same thing the Minister of Transportation spoke about in this House earlier today, in that he wants to make Ontario roads the safest roads in the whole world. I simply pointed out to him that all the actions the Ministry of Transportation has taken, with respect to downloading roads to the local municipalities, with respect to selling off the 407, with respect to the privatization of the road maintenance contracts that clean our highways and clear them with snow removal equipment in the winter, certainly are not what I would regard as being in the spirit of trying to make our roads the safest in the whole world.

If the minister is really true to his words, he should examine some of the policies his government has already taken and reverse them to truly make them the safest roads of all the road networks in the world.

That leads me to one other thing. I see the Minister of Health is in the House tonight. I've got a high regard for the Minister of Health. She's been given a very difficult task. She has been given her marching orders by the ministry whiz kids, by the Premier's whiz kids, to implement a very unpopular program, but she's doing the best she can. That's why I, as one person on our side of the House, like my colleague from Sudbury and many of the other northern members and many of the other members clear across this House—I'm sure many members on the Conservative side as well—cannot understand why this Minister of Health, who I'm sure wants to do the right thing when it comes to treating people across Ontario the same when it comes to cancer treatment and the expenses they incur, is so persistent in treating people from northern Ontario differently than people from southern Ontario when they have to sent elsewhere for treatment.

I can't understand it. When somebody contracts cancer in southern Ontario and has to be sent to northern Ontario, they get all their expenses paid—they get their accommodation, travel, food and lodging etc paid—yet when somebody has to come the other way, they only get mileage expenses for one way.

I would implore the minister to do the right thing, and once the House is finished, as it will be tomorrow, to sit down with her ministry officials and say, "Maybe the policy we have been pronouncing and implementing is not right." Let's do the right thing and make sure that people who have the dreaded disease of cancer are treated the same clear across the province as far as travel and accommodation are concerned. I'm sure that this minister, within the next couple of weeks or so when she's no longer under pressure from the opposition in the House, will do the right thing. Certainly Ontarians who are seeking equal cancer care treatment, this group that has started off—the Web site has been announced, [www.vianet.on.ca/~funding/travel.html](http://www.vianet.on.ca/~funding/travel.html)—ought to be congratulated for putting this effort forward. Hopefully the minister will respond to that.

Getting to the bill we're dealing with tonight, it's kind of interesting that we've heard this government, on at

least a dozen or so occasions over the past three months we've been here, condemn the federal government on just about every occasion. Yet on this bill, which has support from all sides of the House, nobody on that side of the House has given the federal government credit in this particular case. They've actually come up with legislation, which is called C-6, and have been shown to be true leaders in this area.

It would have been nice if, let's say, the Minister of Agriculture, whom I know to be a good individual, or the Minister of Health, who's in the House, or even the Minister of Municipal Affairs had stood in their place and said: "We are following the lead of the federal government in this case. We think this e-commerce bill is the right way to go because an awful lot of business is being transacted on the Internet right now. We want to make sure that the laws that govern this domain are the same across the whole country and we give them full credit."

Is it so difficult to do that, to give them full credit where the federal government has in fact taken the lead on an issue and you're just following their lead? You're actually implementing exactly what they have implemented at the federal level. It would have been nice to have seen some sort of attention paid to that, where they could at least say, "Yes, the federal government did the right thing here and we're following their lead."

Having said that, I think there are some concerns about this bill, and most of the concerns deal with the whole issue of privacy of information. Even a sometime user of the Internet like myself has a concern about that. We've all scanned the various Web sites and every now and then you can buy something or whatever, and we've always been warned, "Don't give them your credit card number," or, "Don't give them too much information," because you don't know exactly who is going to get this information later on.

I think that's a general concern of people out there and that makes all the more important why it is so necessary for this bill, once it has been given second reading, and it may very well be given second reading before the House adjourns tomorrow, to go to the justice committee. I think it should hear not only from the general public out there, but it should truly hear from people who are dealing with the Internet, who are knowledgeable about the Internet, perhaps from other jurisdictions as well where they've dealt with these problems before; certainly from some of the people within the federal departments etc, because we want to make sure the ultimate bill that will be passed by this House is as airtight as possible when it comes to privacy concerns and the confidential information that people want about the Internet.

**1940**

I would strongly suggest that we not just go through the normal routine. It would have been nice, for example, if this bill had been referred to committee after first reading. I still think, generally speaking, that most legislation should be referred to committee after first reading. I know that this bill has the support of all three parties of the House, but I think it would be nice to do that with

most pieces of legislation. We all know that after second reading, after the various parties, the various individuals have taken a position on a bill in this House, it is sometimes very difficult to change some of the substantial sections of a particular bill. I think we get much better legislation if the committee members who form a part of these committees that a particular bill happens to be sent to can approach that bill with as little—how shall I put it?—political baggage as possible.

I urge the government—over the past year we've had two or three bills that have been referred to committee after first reading; I think it has worked well in most situations—to adopt that as a general principle for its legislation. I know that there will be some pieces of legislation where, because of the political bias the bill may have either one way or the other, it may not be possible for them to do so because it may tamper with their political agenda. But I also maintain that at least half the bills, if not two thirds of the bills that are passed by this House, really are not, by their very nature, partisan in nature. Yet, by only referring them to committee after second reading, quite often they become that way. I've already indicated a few of them today where it has worked extremely well.

I think Brian's Law was an excellent example, where the member for Ottawa Centre, who has introduced on various occasions a private member's bill calling for the kinds of amendments that were adopted in the mental health field that were set out in Brian's Law, was finally able to convince I guess the Minister of Health and her departmental officials about that, and as a result of the three parties coming together and the extensive discussions and debate that went back and forth, and the public hearings they had after first reading, hopefully we have a bill there that all Ontarians can be proud of.

The other thing I like about that bill, and I think more bills should have that, is the fact that it has an automatic review component to it. We are entering into a new field, and it is good that it has this component in it that within two or three years the bill will be reviewed, not only from a staff viewpoint but also from a political viewpoint, to determine that it really does what we hope the bill sets out to achieve.

I will be brief tonight because I know we have many other speakers who may want to speak on this as well. As has already been pointed out, the amount of worldwide commerce that's being done on the Internet is some \$1.3 trillion worth, and 80% of all the e-commerce worldwide is conducted business to business rather than as non-business-related matters. I think we're just on the threshold of coming into an age where e-commerce is going to blossom, and people like myself are even starting to use it.

I listened with great interest to how the member for Guelph-Wellington is going to learn all about the Internet this summer. Well, I can tell her that I started about a year and a half, two years ago, and I was one of those people who was afraid that if you touched the wrong button, the darn thing would explode. It didn't happen; it

didn't explode. That was about three years ago. I think I've come a long way. I'm still a novice at it, but even my children are sometimes surprised at how their father, who didn't grow up with that kind of technology, is able to get on to different sites and do different things. Sometimes I even show them a thing or two on the Internet. I'm proud of that, you know, because it isn't very often that young people in our society can say to their father or mother or older person, "My gosh, you really know something about a new, modern technology that has come along," more than they do. So I would encourage the member for Guelph-Wellington to use her summer wisely. I'm sure she can be totally knowledgeable and competent in the Internet system. It is the way of the future.

You may recall, Speaker—oh, the Speaker has changed. But I'm sure this Speaker is just as interested as the last Speaker.

**The Deputy Speaker (Mr Bert Johnson):** No, I haven't.

**Mr Gerretsen:** I stand corrected. You certainly have not changed from the day I came here. We both first came here in 1995. I totally agree with that. You're still the same person you were back then, and a wonderful Speaker at that.

**Interjection:** And we're glad he's healthy.

**Mr Gerretsen:** And we're glad you're healthy, Speaker, and I hope you enjoy a good summer holiday as well because you really deserve a good holiday.

Again, I think this is the way of the future, and I would just ask the Minister of Health, for whom I have a high regard, to look at the travel policy of northern Ontarians who are suffering with cancer when they have to come down south. We've heard all sorts of answers about, "Well, there are different policies." People don't want to hear about that. All they know is that if somebody has to travel from southern Ontario to northern Ontario for cancer treatment, they get their accommodation, their travel and their food paid for, and when people come the other way out of necessity, they only get 31 cents a kilometre, one way. That simply isn't fair.

If there's one thing we should all try to accomplish in government—and we all see the world a little in a different fashion; I realize that—surely to goodness, when all is said and done, government, above everything else, should treat all people fairly, particularly people who are in similar circumstances. I think if we remember that, then by the actions we perform here on behalf of Ontarians, the people out there will be well served.

So, Minister, I ask you to look at that policy, and I'm also glad that everyone supports this much-needed piece of legislation.

**The Deputy Speaker:** Comments and questions?

**Mr Mazzilli:** I too support Bill 88, the Electronic Commerce Act, and as you've heard, all three parties do. I just want to take a moment, as the member for Kingston and the Islands brought it upon himself, to speak about health care, something that's very important in this province.



As summer approaches, and I know the Liberals will be on the golf courses with their federal cousins, I just want to take this opportunity to beg, on behalf of my constituents and the people of Ontario, that the Liberals across the floor, as they're on the golf course with their federal Liberal cousins, demand that the federal Liberals return the money they cut from health care, demand that Ontario be treated as an equal partner. We know that equal partners normally, in today's society, would be a 50-50 split. Do you know what the partnership is with the federal government when it comes to health care? Ten per cent. Is that being a partner at the table? Ten per cent. So we demand that they become equal partners in health care in Ontario. Again, as the Liberals are on the golf course with their federal cousins, please, on behalf of Ontarians, demand that they return that money to Ontario.

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The other issue, and I only have a moment to speak about it, is the federal gas taxes that are collected in Ontario, approximately \$5 billion. The need is there to improve our infrastructure in order to grow as a province in business. We need to continue cutting taxes, but also add to the infrastructure. We need the help of the federal Liberal government to reinvest the \$5 billion a year that they're taking in gas taxes back into Ontario. Ontarians cannot do it alone and demand that the federal Liberals take part in this very important province.

**The Deputy Speaker:** Comments and questions?

**Mr Bartolucci:** I thank the member from Kingston and the Islands for his very excellent suggestions with regard to Bill 88. The member has outlined some of the steps necessary to ensure that Bill 88 is a strong piece of legislation, and it looks like it's going to get all-party support. I also want to thank him, obviously, for his words with regard to cancer care, the health care apartheid that we're experiencing in this province right now.

I'd like to share a little story, another one that I accessed on my computer. It's from Sue and Dan who live in Kapuskasing. Their first travel grant arrived after their son died at 21 months of age after he lost his battle with leukemia. They had to live in a downtown Toronto hotel for about eight months while doctors battled to save their son. The financial toll: They had to live on credit, and at the end of it all they were \$20,000 in debt. In total, they spent \$35,000. They had to pay their own accommodation and all other expenses.

Dan says: "I was more than a little upset to hear about how southern Ontario people have their expenses paid. It kind of turned my stomach."

Sue said: "I've seen three-year-olds walking around Sick Children's Hospital alone, having chemo, with no parents because they can't afford it. Meanwhile, this government has the money to send people up north to study how frogs mate." The junior Minister of Northern Development and Mines is in the House today and he knows about that program. Their priorities are really screwed up, and that's what Sue said.

It's an easy problem to fix. I urge the Minister of Health and I urge the government to come to their senses. Make sure there is equal access to money for those who are travelling to be treated for cancer.

**Mr Curling:** I was going to comment on it, but after listening to my colleague from Kingston and the Islands, I realize that after all his struggles and where he is now, attaining a point that he's now literally computer literate, it really tells me that if my colleague from Kingston and the Islands can do it, we can all do it.

The other aspect—

**Interjection:** There's a compliment for you.

**Mr Curling:** As a matter of fact, because of his efforts and his determination, we just have to model after what he has done.

But in regard to the bill itself, I must emphasize to the government—which has a record, as we know, of rushing things through—that because we have unanimous consent with everyone co-operating, here's a time for us to examine it all in detail, looking at the privacy aspect of it, making sure that it's done very well because it is so important. As we know, the technology's moving so fast ahead that we are scrambling now to put laws in place, and not only Ontario but all over the world people have realized that they were lax in putting good legislation in place.

Here we are in Ontario with a great opportunity, an opportunity where all three parties have recognized the importance of this, so much so that without this, commerce itself in Ontario, regardless of how progressive we are, could be left out in the dark. If we have good legislation, it will assist us. Many countries who would be called the Third World today have done e-commerce and have put together some of their establishments in a way that they are competing on the world market. Ontario, which is quite progressive, could find itself at the back in all of this.

Here is a wonderful opportunity, as I said, and as I emphasize again, my colleague from Kingston and the Islands has made such wonderful progress in that, and if he can progress, Ontario can progress. Of course—

**The Deputy Speaker:** The member's time has expired.

Comments and questions? The Chair recognizes the member for East Don Valley.

**Mr Caplan:** Don Valley East, Speaker.

**The Deputy Speaker:** That's the same as East Don Valley.

**Mr Caplan:** I want to congratulate my colleague the member from Kingston and the Islands on his very insightful remarks. He certainly touched on a lot of aspects of this legislation, Bill 88, which are of critical importance.

I'd like to point out to the members of the House and let all Ontarians know that the youngest members of our province, young people, students, are really on the forefront of a lot of these kinds of changes. They are the vanguard, if you will. The students at Don Mills Collegiate in my riding, for example, designed the Web

site and the logo for Toronto's Olympic bid. These are young people doing things that we've never even thought of and never even conceived of before. That's why we need to bring our thinking into line, bring our laws into line, to have a kind of framework, not necessarily for what's in existence today, but for what will be there in the future. When you look at the future, you always have to have an eye to the past as well for where things have broken down.

We've seen in this province, because the privacy concerns were not adequately guarded, that 50,000 Ontario residents had their personal information disclosed, inappropriately given to a private company.

**Interjection: POSO.**

**Mr Caplan:** The Province of Ontario Savings Office. It's a scandal that that could happen. That's why we need to strengthen privacy and confidentiality arrangements.

Some people will argue, and perhaps rightly so, that you can do it in a separate piece of legislation, but here's the concern. What could potentially happen is a weakening of our existing freedom-of-information, privacy and confidentiality arrangements in the name of modernizing them. That's what I fear. I can assure members of this House that I will be vigilant in making sure that does not happen and that Ontario does have—

**The Deputy Speaker:** Thank you. The member for Kingston and the Islands has two minutes to respond.

**Mr Gerretsen:** The member from Don Valley East brings up an excellent point. With everything that's happened in Walkerton, the POSO controversy and the disclosure of the 50,000 bits of information that were given out about individuals to the general public is a perfect example as to what could possibly happen if we don't have the e-commerce laws properly thought out and properly codified etc.

I would just like to remind the member for London-Fanshawe of something. I agree with him that as far as gasoline taxes are concerned, whether they're collected at the federal level or at the provincial level, they ought to be put back into transportation. No question about it. That's what it was collected for; that's what it should go back into. Whether we're talking about transportation costs for roads or public transit, various other transit, that's where the money should go to. It should happen at the federal level, and it should happen at the provincial level. No question about that.

But I get a little sick and tired of hearing about this transfer for health care dollars from the federal government. The fact is that you in your coffers last year had an extra \$5 billion. Let me repeat: You collected \$5 billion more than you anticipated. You could have solved every education problem, every health care problem and just about every problem that's out there if you had wanted to put some of those resources towards that. Instead, you're giving people back a \$200 cheque. Do people like \$200 cheques? Sure they do, but it doesn't make any sense. You would have been better off spending that money back in the Ministry of the Environment, making sure

every Ontarian has good, sound, safe, clean drinking water. That's where the money should go to.

Don't talk to me about the lack of transfers. You had the money to do all the things you needed to do all along from the surplus funds.

**The Deputy Speaker:** Further debate?

**Mr Tony Martin (Sault Ste Marie):** I appreciate the opportunity tonight to share with the House and the folks out there some thoughts on this bill. This is a very important bill introduced by the Attorney General to the House, Bill 88. However, in my view, as critic for economic development for the NDP caucus here at Queen's Park, it's a bill that has a lot to do with the economy, how we develop the economy, how we work to include as many people as we can in that new economy and actually catch up with the rest of the world out there. I say "catch up with the rest of the world" very consciously and carefully, because although this bill presented by the government does speak of a progressive action and being part of the new economy that's out there, that can, if we're not careful, blind us in many significant and important and actually difficult ways; it is, in fact, simply a game of catch-up by this government. Even when this government takes a lead in something, when you look at it closely enough and study it and carefully analyze what's going on out there in other jurisdictions, you find that they're not taking the lead at all; they're simply playing catch-up and doing what they should have done a year or two ago, if they were really in tune with the economy that we're all grappling with out there today and wanted to position Ontario in a way that would see us actually taking the lead.

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I want to start off my few comments tonight by suggesting that, like in everything else where the economy is concerned, although this government touts itself as having done so much and created so much opportunity and developed so much economy in this province, when you look at it more closely and talk to people out there, particularly people in jurisdictions that are a distance from Toronto, you find there's a different picture altogether and that there are actually some very real concerns. That's because this government is not giving leadership. It's because this government over and over again tells us all—I give them credit for that—that they really don't want to be government, that they're here to fix government and, as such, are not willing to make the investment, take the time and make the effort to lead the way, to roll up their sleeves and get in there with all the players in the communities across this province and actually do the very difficult, tough and agonizing work that's required to be a leader in the world economy today.

As most analysts who are being truthful will tell you, the economy that is booming in Ontario today, that accrues by way of profit to fewer and fewer people every day, is driven by the US economy. Certainly, in the US they are doing some things that reflect an understanding of the economy, that reflect an understanding of what needs to be done if you're going to take leadership in this



new economy that's coming at us, and they're doing something to make sure that as many people as possible are included in a positive and constructive and exciting way.

In Ontario, the economy that we're taking advantage of is actually the tailwind of the US economy. Yes, there are a few among us who are doing really well and making some very good profits as this economy flies by; there are many, many Ontarians who are not benefiting at all. That's by way of some of the direct action of this government but, even more importantly, because of the inaction of this government. By default many people are not participating in the way that they could.

I'll speak for a few minutes later on—because I'll be on my feet here for about an hour tonight—about the impact of this economy on those who are at the very bottom end of the economic structure in this community and how they've been hurt very severely by decisions that are made by this government, ideologically driven and not really taking into account the impact that has on the overall economy.

I want to speak just for a couple of minutes, before I get into talking about Bill 88 and the e-commerce bill in a more specific way, to say that there are a lot of people in this province who, yes, have one of those 700,000 or 800,000 jobs that this government brags it has created. But I have to tell you, more and more of those people are becoming anxious about those jobs. Yes, they have a job. Some of them, in fact, have two or three of those 700,000 or 800,000 jobs, because that's what it takes, in the economy that's out there today with inflation and the cost of living that is happening, to make ends meet, to pay the bills in the way that you could have paid the bills five or 10 years ago with the proceeds of one job or perhaps a job and a half between two partners in a family situation.

The folks out there across this province today who have jobs are anxious. They're anxious because in many cases those jobs are contract positions. They don't have the security that used to go with some of the really good, longer-term jobs that were there 10 or 15 years ago and, of course, with a contract position you know they're eventually going to come to an end and then you're going to have to compete again with somebody else for that job, and probably take a cut in income in one way or another in order to achieve success. People are being run into the ground, are losing energy, are losing enthusiasm and are quite worried.

Even those people who have those secure long-term jobs, the jobs that all of us used to look at, at one time, and say, "I wish I had that job," or, "I aspire to that job," or, as they're going through university, "I'm going to work hard and get good grades, good marks, and get that good job that such-and-such a person was doing," whether it's in Wawa or Sault Ste Marie or Sudbury or Toronto—I have to tell you that today, even those jobs are less secure, and are under attack, because you don't know from one day to the next when a government agency is going to be downsized or restructured in a way that sees literally hundreds of people out of work. You

don't know when, for example, a banking institution, a bank branch in some community is going to be closed down or amalgamated with another branch.

Always, always, that means there are more people out of work, people lose their jobs, because where you see in the paper so often these days so many of our really important business enterprises making ever more historically record-high profits, some might say obscene profits in some instances, it's not long after, and sometimes even in the same section of the same newspaper, that there's a story about the plans that particular enterprise has to lay off 200 or 300 more people. That's the only way, now, that they have to keep up with the demand that's out there because of the new economy that's in front of us, and the fact that there are a few people, the ones who manage this new economy, with interest in stocks or shares of some sort, who want that 15% or 20% every year, and it doesn't matter what the impact is on the workers in that organization or what it's going to do to communities or families or individuals.

I say all that just by way of indicating to you that even though it may present—and certainly if you read the financial sections of the major newspapers in this country you would believe that there's an economy out there that is just the greatest thing since sliced bread—as creating all kinds of opportunity and wealth and income and stability for a whole lot of people in the province, in fact that's not true. There are a few, yes, at the top of the heap who are making good money, who are secure and they're laughing all the way to the bank, but I have to tell you that with every day that goes by, more and more people who call Ontario home are feeling anxious about this economy. More and more people, particularly those living in communities outside Toronto, like Sault Ste Marie and Sudbury and Kingston—the further away, the more anxiety—are feeling nervous about their future and are not particularly happy at what they see going on around them by way of indicators re the economy as it plays out in their neighbourhood or in their backyard.

That speaks to this bill as well. I think it's a good bill. It's a good start. It should have been introduced one or two or three years ago, when this government recognized, finally, that we had to be part of some of the new economic engines that are being dreamed up every day out there, but in a way that gives us some control over how we participate and shows by way of leadership that this government actually understands what's going on out there and wants to play a role and wants to do the right thing.

It's interesting that the first government in this country to move in this direction, to recognize what needed to be done—that if you're going to include as many people as possible in the new economy that's blowing out there, you have to pass legislation such as this—is the government of Saskatchewan, interestingly enough a New Democrat government. Electronic transfer of information and the conducting of business dealings electronically is not new. The federal government understands it. The government of Saskatchewan has introduced legislation.

I was over in Ireland some six or seven weeks ago preparing for a trade mission, which I will be part of, from Sault Ste Marie to that country in the next week. While I was there, that country, taking advantage of the new economy that's happening for them, participating in the European Economic Community and wanting to reach out to the rest of the world, was already well down the road to having in place good e-commerce legislation.

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Even though this government needs to be recognized tonight and given kudos for bringing this forward in a way that will be inclusive of all of us here—I believe they are committed to hearings so that we can all participate further in making sure that what we do here is at the end of the day in the best interests of everybody and of communities out there, and I believe we will be going on the road—they should have done it earlier. This should have been done before. They should have had it before us two or three years ago, but at that time they were too busy not being government, too busy trying to present an image of not being government. Instead of bringing people into the equation and involving and including people, they were pointing to people and targeting people and cutting them out of the economic equation of the province.

Certainly the time has come for legislation that sets clear rules for governments and others and does so in a manner that is subject to scrutiny. We are pleased the government has followed the example of the NDP government of Saskatchewan and we wish this government was usually so forward-thinking.

The UN in 1996 drafted a law on electronic commerce to be used as an international model. The Uniform Law Conference of Canada used this model to develop a Canadian version, the Uniform Electronic Commerce Act, which it has encouraged all governments in this country to use and to adopt legislation based on it.

As I said before, Saskatchewan was the first province to propose legislation to regulate e-commerce. They introduced Bill 11 on December 16, 1999. Ottawa passed Bill C-6, the Personal Information Protection and Electronic Documents Act, in December 1999. Quebec has similar legislation.

We've all been wondering on this side of the House why the Harris government has not had the courage to bring forward a bill like this in a more open and democratic manner, with full public participation and scrutiny, to bring Ontario into the 21st century.

We have also wondered why the government has not itself taken advantage of the new technology; for example, to post on its environment Web site the most recent water quality data for all communities across Ontario. The government claims it has a drinking water surveillance program that is still operative. It has posted the results from this program for 1996 and 1997, but we ask, why haven't they posted the current data? What is it they're hiding?

The government was a bit nervous about bringing forward this kind of bill, so they let the member for

Etobicoke North—I'm actually surprised he's not here tonight, taking in this discussion, this debate—test the waters with his private member's bill so that the government would get some sense of where everybody else was on this before they had the courage to bring it in themselves as a government bill and table it and have this debate.

We agree with the principle: that we recognize the role of electronic transfer of information, that we allow for the electronic transfer of information, and that we do so in a way that ensures individual privacy and does not create a loophole for governments and institutions to evade their responsibilities to provide information to citizens. That is what we should be concerned about because it is exactly what this government has done in regard to making water quality test information available to the public.

If debating an e-commerce act allows a debate about the responsibilities of government to inform the public, especially where health matters are concerned, such as with the quality of drinking water, then we welcome this initiative; we welcome it with open arms.

Equally important is that such legislation in no way diminishes access to public records, which concerns us as well.

We will study the bill, and if second reading is passed here in the House, and we expect that it should, we are hearing from the government, and expect they will honour their commitment, that it will be sent to committee for full public hearings all across Ontario, to allow the many important public concerns that are out there to be addressed.

I suggest that this piece of legislation will have as much ramifications for jurisdictions far away from Toronto as it will for the people here. I know that much of the legislation this government brings in is driven primarily by Bay Street. Bay Street wants something, they come to the Premier's office, they have a quick chat with him and the next thing you know, a day or two later, legislation appears in this place and we see it work its way through, usually in a very quick and determined fashion.

Probably this bill was initiated there too, but it has some serious ramifications for jurisdictions outside of the greater Toronto area. I'll talk about that in a couple of minutes, because if places like Sudbury, Sault Ste Marie, Timmins and Thunder Bay are going to be part of this new electronic age as they struggle with how they adapt and adjust to the new economy that we all have to deal with today, they need to have access in a way that is more readily available than what's there now.

For example, if you look at the cost of transportation for people doing business in the north, whether it's by road—there really is no rail passenger transportation service any more outside of the GTA. Air transport, where you can get it, mostly in the bigger centres in the north, is very expensive. It now costs you anywhere from \$700 to \$1,000 for a one-way trip from Sault Ste Marie or Sudbury—I think it's over \$1,000 from Thunder Bay.



It's very expensive. It gets in the way of a lot of people setting up shop in those areas, which are ready and open for business. They have tremendous infrastructure in place and people who want to participate and co-operate, but the cost of doing business is often prohibitive because of the very high transportation costs that are out there, particularly where air is concerned these days, and we need to do something about that.

This e-commerce bill, which will allow a lot of transactions that aren't allowed today to be done in this way, will certainly enhance the opportunity of people in places far away from Toronto to participate more actively in the new economy we all have to deal with in one way or another.

This issue must be addressed, but you can do it right and you can do it wrong. Hopefully the bill will give us a chance to address the issue. That is good. But we have some serious concerns and we are far from sure that the bill, in its present form, is as acceptable as it could be. So we're calling for these fuller public hearings, because there are people out there who have some very important and interesting information to present and they need to have their say.

For example, will public access to public records be guaranteed? Look at what happened under this government to court dockets. Before we consent to allow the government to replace paper record-keeping with electronic record-keeping, we must be certain that public access will not in any way be compromised.

What about a person's consent to accept a document in an electronic form? How is that going to be assured? How will we verify electronic signatures? How will we protect the security of electronic signatures? Does the bill require a person to use or accept information or a document in an electronic form?

We can allow governments to use electronic transfer, and we should, but we must be certain that the person who is entitled to receive information from, for example, the province, is not undermined if they cannot accept electronic information. For example, you don't want to leave anybody out. You don't want to set up a system that so totally takes over the way we share information and communicate with each other that we leave people out of the equation.

We have seen too much of that over the last six years in this province, where this government, in their rush to accept or adopt the latest and the greatest where whacking welfare people is concerned or where doing away with unions is concerned or changing the education system or the health care system is concerned, moved ahead holus-bolus without thinking out carefully step by step, having some strategic plan in place that will take us someplace we will all be satisfied with in the end, so we don't end up hurting a whole lot of people, end up leaving a lot of people behind.

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I suggest that if we're going to have any kind of a good economy in this province over the next five, 10 or 15 years, it absolutely has to include everybody. This bill

presents some interesting, very creative and progressive opportunities for that to happen, but if we don't do it right, if we don't think it out, if we don't allow for some significant and fulsome conversation and debate with people out there about how it might be applied most correctly, we may end up doing more harm than good. We've seen a lot of that go on over the last six years in this province, and the most recent example of that of course is Walkerton.

I don't want to flog that horse any more than it needs to be, but there were people out there last year who said in all good conscience and very seriously that cutting the Ministry of the Environment in the way this government cut it, laying off the numbers of people who were laid off in that ministry, would result in a deterioration of the environment in this province, would result in a diminishing of the ability of government in this province to oversee, administer and pay attention to the air we breathe, the water we drink and so many other things we have to concern ourselves with where the environment is concerned.

You and I know that if we don't pay attention to the environment we could kill each other; we could wipe out the universe in a big hurry. Unfortunately and sadly, Walkerton is only one example of what can happen if we don't think out in a long-term way, in a strategic way, the plans we propose to put in place in the interests of the people we serve. If we're not careful, we can have other examples in this province. I suggest we probably will because of some of the initiatives and things this government has done over the last six years in its hurry to cut government, to diminish government, to get government out of the way.

Regulations were put in place over a number of years by very thoughtful and intelligent people in response to accidents that happened where people were maimed or killed. Suggestions were made and recommendations were made. After long periods of study, governments in their wisdom, all parties involved, would take those recommendations and turn them into legislation that applied to all of us in the province, overseen and administered by the government.

This government, in a matter of two or three months, took that regulation we all participated in putting in place—we know that today we live in a world that is more sophisticated, that is moving more rapidly, that is more complicated than ever before. We have more people living in Ontario than we've ever had in our history, doing business, living their lives, recreating. That causes a tremendous challenge to the environment and to the infrastructure we all depend on to give us a livelihood and take us places and allow us to live.

If we do not think very carefully about what we're doing and don't take seriously the role of government, we then take that regulation and turn it magically, with the wave of a wand, into red tape and we cut it. We cut it because now it's red tape, it's no longer regulation. Of course nobody likes red tape. We're all concerned where red tape is concerned. But when you do away with

regulation, when you do not take your responsibility as government seriously, when you do not take the mandate you've been given by the people when they elect you to oversee these very important instruments of government to make sure that our environment is healthy, that people are safe, that everybody can participate in the everyday life of communities and the economy, we end up with more Walkertons, and we will. There will be more of that rolled out as life goes on.

We will be here. Because we didn't win government in 1995 or 1999, we've been mandated, as opposition, to be critical and to point out and to challenge the government in many serious and significant ways around some of these questions.

Even though this bill is a progressive move, a move forward, a move that is necessary, a move that was initiated by the UN in 1996 and picked up very aggressively by a couple of provincial governments, most notably the government of Saskatchewan, a New Democrat government, and then the governments of Canada and Quebec, Ontario has to do all the due diligence required make sure that it includes everybody and does not leave some people out. That is why we raised that issue here this afternoon, to make sure that whatever we do is done in a way that includes everybody and will not be hurtful to anybody, and in fact will be helpful.

We can allow governments to use electronic transfer and we should, but we must be certain that the person who is entitled to receive information from, for example, the province, is not undermined if they cannot accept electronic information.

That got me off on the tangent I was just on.

How can the transmission of electronic information be verified? That's a major concern. It is not immediately obvious that this bill covers that. We have to watch that as well.

The time is right to address this issue. There are big concerns about privacy, about the protection of citizens' entitlement to information and access to information, about the verification of transfer and receipt of information, and finally about the integrity of public records and public access to public records.

Whether or not this bill meets the test remains to be seen. The rights of citizens and not the ease of business must be our first concern, and full public hearings are a must.

That comment about the rights of citizens and not the ease of business is what now takes me into what I consider the second part of my presentation here this evening, which is to talk a bit about the economy within which this e-commerce bill will move and operate and hopefully become helpful to more and more people.

I know that within our party we have some real, significant concerns about the direction of the new economy that's out there. We're not saying for a second that the new economy isn't happening, because it is. It's all around us. We can feel it, we can taste it, we can hear it and we hear about it, and many of us participate in it in some serious and significant ways. So we must discuss it.

We can't just participate by default. We can't just allow it to happen to us, can't just sit back and hope we will benefit from it.

As so many have discovered, particularly when you consider the lack of leadership that's been given by this government where the economy is concerned—not only did they cut the budget and the infrastructure of many of the more obvious and dramatically important ministries in this province where health and education and the environment are concerned, as I said a few minutes ago, but this government has almost halved the Ministry of Economic Development and Trade. That is a ministry that was very important in many of the northern communities in the early 1990s as they struggled to restructure and right themselves in front of some of the new reality where the economy is concerned. This government has not shown a willingness or an ability to be the leader.

They're off rubbing shoulders with the major players. The Minister of Economic Development and Trade every other month is gone some place—if it's not Japan, it's Germany; if it's not Germany, it's Russia—talking with the major players and telling them about Ontario and Canada. That's one thing, but to actually roll up your sleeves and sit down with and work with community economic development organizations so that you might determine what is in the best interests of the many small communities across this province where the new economy is concerned and helping them get a handle on how they might benefit more directly and effectively by their participation—alas, they're nowhere to be seen.

#### 2030

You see, the new economy out there, for all intents and purposes, is driven by a small number of very large multinational corporations. It's like a Pac-Man effect. Many of you will be able to identify with that; if not yourselves, I'm sure your kids have played that game. They're all over the world, and every free trade agreement you see these days show up and get passed is usually driven by them.

If you look at those agreements—and I can tell you it's quite a daunting exercise: They're mammoth, huge in wordage and page and probably not something that the ordinary citizen out there would take the time to work their way through. But if you do work your way through it, you will find there are a few basic principles included there, and all of those principles accrue to power and more wealth for the bigger operators, these big multinational players out there—the big hitters, as some people might say.

Those are the folks who go on these trade missions with the leaders of government as they travel the world, wining and dining out there. It's not the homegrown, locally managed and locally owned operations that keep communities like Sault Ste Marie and Sudbury going that are on these trips. Those people are too busy protecting their interests back home to be participating in those ventures. That's unfortunate, because in my view, the economy that will serve us best in the long haul in this



province, in this country, however difficult and damaging to a whole lot of very good and committed and hard-working people, will be those small and medium-sized businesses who actually make something and sell it to somebody, who actually take an idea from their head or the head of their employee or a neighbour or a young person coming out of school and turn it into an opportunity to create a little work and some income for them and their employees and, in turn, the community in which they live.

But alas, what we have out there today running the economy is not those folks. As time goes on, the distance between the small and medium-sized enterprise in communities like Sault Ste Marie and Sudbury gets farther and farther apart. The interests of the big corporation as it strives for more and more profit year after year to feed the voracious appetite of the shareholder out there—who may in fact be you and I in here because of the pension funds we have; we need to think about that very clearly and effectively over the next while in this place—are not the same interests of the small and medium-sized business that is operating in the communities that make our province such a wonderful place to live.

In the long haul, if we don't turn this around and make them the focus, make them the drivers, give them the steering wheel, give them the power they need to fire up and make happen in a concrete and constructive way the local economies that we all depend on for our jobs and for the things we do in communities to assist each other, we will all pay, and we will pay big time.

I was, as I said a few minutes ago, for example, over in Ireland some six or seven weeks ago. I will leave again on Friday night with a group of small and medium-sized businesses from Sault Ste Marie. We're going, sort of a Volkswagen-type operation, over to that country to see what we can learn, to see what relationships we can develop and what opportunities we might be able to invite back to the community of Sault Ste Marie. We're looking for those locally owned, locally managed cultural industries that have grown over a number of years in Ireland that are now looking for an opportunity, without being totally controlled by the big multinational corporations, to come on their own and settle in a community that is manageable, like Sudbury or Sault Ste Marie, and set up shop and sell their product into the US or Canadian market, and vice-versa. We're hoping that we will take some of those small and medium-sized corporations that have grown up over a number of years now in our community, locally owned, locally managed and hiring local people, over to Ireland so that they might set up shop in a community of similar motivation, so that they might take advantage of the very interesting and exciting new economy that's happening over there, to sell their product into Ireland and into Europe.

There's some mutual benefit to this. It's not one player coming in, big and greedy and with this voracious appetite looking around to see where they might suck in the last dollar that's lying out there, and then, after they've taken advantage of the beneficial tax rate, after

taking advantage of the grants out there and the fact that people will work for a lower wage, when that's all gone, then they're gone too, to wherever they can get those kinds of advantages someplace else.

What we're trying to do and in fact what Ireland's trying to do—I've gone over there and talked with those folks—is quite different in many significant ways from the dominant economic culture that's happening out there, which is that the big guy eats up the little guy and leaves and there's no concern about the impact of that on communities or on people or on workers.

Start out from a different premise, which is first of all to concern yourself about how what you're going to do will affect the community in which you're going to set up and operate, how it will affect the employees you'll take on, how you will take advantage of what they have to offer, the work they do, the intelligence they bring, and how it is you might grow your industry based on that; as opposed to some e-commerce dot.com, invest in this entity today and make a million dollars and forget about the impact that will have on anybody else around you—a very selfish, myopic and, I think, destructive approach. They're two completely different approaches to the development of an economy.

I want to talk a little bit more about Ireland, because it was over there that I discovered for the first time that we needed to develop some regulation where e-commerce is concerned. I suggest to you that this is just the thin edge of the wedge in terms of where regulation is absolutely necessary where this e-commerce and the new economy are concerned. We need to, as a government, be concerned about that. We need to be willing to take leadership and some strong action to protect some of the players, particularly the smaller players and the smaller communities where this kind of activity is concerned.

You heard the member from Guelph-Wellington earlier tonight talk about Ireland and the wonderful economy. I heard her a couple of weeks ago in this place reference the very advantageous flat tax for industry that exists over there—and yes, it does. They do have that in place. But they have a whole lot more in place that you don't hear a lot about, particularly from some of the bigger players, the bigger hitters out there who are roaming around looking for those kinds of advantages. What Ireland has done, which I suggest this government could take a lesson from, is that not only have they looked at their tax system and their tax structure, but they've also invested very heavily in infrastructure, in making sure they had the kinds of telecommunications networks in place that would be necessary, building roads, building schools and putting in place a health care system that worked for everybody.

They, in complete juxtaposition to what this government has done, decided that education was absolutely essential. Back in the early 1970s, when Ireland decided it was going to be a participant in the new economy and take advantage of some of the opportunities that were being presented to them by themselves and others, particularly the European Community, they decided that,

number one, they had to make sure that their education system was the best and that everybody could participate. Do you know what they did? They did away completely with tuition fees for post-secondary education, because they knew that the key to their future was the intelligence of their young people and their workforce.

2040

**Mr Tony Ruprecht (Davenport):** And what do we do? We increase tuition fees.

**Mr Martin:** Absolutely. You see?

The other interesting thing you'll find out about Ireland—and again it's in contradiction to what this government wants to do—is that 50% of the labour force in Ireland is organized. Isn't that interesting? Recognizing that, they didn't turn around and say: "OK, 50% of the labour force is organized. Big business isn't going to like that. That creates a negative environment, an impediment, so what can we do to get rid of big labour?" or the big union bosses and all those kinds of things—the kind of rhetoric you hear from across the floor every day when you're in here. "How do we diminish the role and the power and the influence of organized labour in the economic life of communities in this province?" That's the mantra of this government.

Interestingly enough, in Ireland what they said was, "How can we take advantage of the fact that we have a very well organized labour pool in Ireland, who understand the contributions that organized labour can make to the economy, who understand that if we work together co-operatively we can do more for each other than if we're forever competing with each other for scarcer and scarcer resources, as that kind of world takes over?" So they brought the labour unions into the room, they brought community groups into the room, they brought the church into the room, and then they said, "Let's sit down here and see what we need to do to create some stability in this country as we move forward, where the economy is concerned." But they understood that you don't do an economy separate from the social life of the people who live in those communities. So they said, "How can we put together a fabric that recognizes that you've got to have healthy people, you've got to have educated people, you've got to have people who have a few bucks in their pockets, if you're going to grow a healthy economy that's good for both the local circumstance and, yes, the international circumstance that we're wanting to move into?" How progressive.

I suggest that you can't take one piece of that alone and decide that that's what's going to grow your economy and that, at the end of the day, is going to be in the best interests of everybody, because it isn't going to work that way. We're already beginning to see in Ontario how a very narrow, a very top-down economy is beginning to play out for people in Ontario. We see a growing gap between the rich and the poor, we see the poor getting ever more poor, we see the few at the top getting ever more rich, and we see the middle class, those in the middle class who are able to hang on, more and more anxious about their future, more and more con-

cerned about the reality that could happen to them, which is that they fall into that poverty category.

In today's economy, none of us, except for perhaps the very, very rich—and I suppose when they lose it they jump off tall buildings—are any more than a paycheck or two away from real poverty because of the cost of living and the way the economy is set up. We can no longer, as in past eras, simply turn around and say, "Well, I'll grow a few potatoes and some carrots and we'll trade with the neighbours for some things and we'll be OK." We can't do that any more. The economy and the world we live in is much too sophisticated for that, so we have to find new ways. Those new ways, I suggest to you, will serve us better if they are co-operative and if they're based on a concern for community and if they involve everybody, and I mean absolutely everybody, because to not involve everybody would be like having a sore foot and ignoring it until gangrene sets in; then it works its way up your leg and pretty soon it kills you.

So if there's any part of your community that's not involved in this new economy, this new world that must concern itself about the social life of families and individuals, if there's any part of that community that's hurting or struggling in any serious or significant way, you've got to do whatever it takes, you've got to be willing to invest whatever resource it takes to make sure that group gets well and is able to participate again, because if you don't, you diminish the opportunity of your community to be all that it can be.

Which brings me to the point of how you measure success. There are two or three ways to measure success. One way is to look at your bank account, count the shekels in your pocket at the end of the day: How many condominiums do you own? How many trips do you take in a year? Then there's another way of counting success, and that is: Are you happy? Are you secure? Do you have family? Do you have friends around you? Can you go to the local pub on a Friday night and have a couple of dollars in your pocket to buy yourself a beer and maybe even buy a round for the table? That's happiness for a lot of people. As a matter of fact, I'll suggest to you that the people who are happy with that kind of very simple life day to day—get together with their friends, celebrate the confirmation of your daughter or go to a wedding or get together with the community and mourn the death of somebody who has contributed in a very serious and significant and important way, in those very simple ways, to your community—that's really the true happiness that all of us are looking for.

For example, in northern Ontario today we have people who are suffering the malady of cancer. If they're going to get the care they need up in that part of this province—because health care is becoming a scarce commodity; every time we turn around we're losing a doctor or closing a room in a hospital. In Sault Ste Marie over the last two or three weeks we've heard from the hospital that, first of all, they're going to run a deficit. Then we heard from the doctor who has worked so hard over so many years to set up an oncology unit in the hospital in Sault Ste Marie, Dr David Wild—I think a



living saint in today's world—that for the first time in his 27 years—and he said this in tears to the press because he obviously felt so strongly about it—he's going to have to turn some people away or put them on a waiting list or wait-list them in a way that will see them having to go someplace else.

That brings me to the point—and the Minister of Health was here earlier and I hope she heard from my colleague from Timmins-James Bay and my colleague from Sudbury—that we have a problem in the north. We have people who have to more and more travel for health care and it's costing them more, and more and more they can't afford it, and no more so than for cancer care. We have a situation in the province today where if you're from southern Ontario you can access cancer care anywhere in this province and get all of your costs paid. If you're from northern Ontario and you have to go anyplace else for that kind of care, you get the very minimal northern health travel grant. Even at that, the struggle to get that grant is unbelievable. Anybody who's a member in this House, particularly from the north, who is taking their job seriously will tell you that one of the things they probably do more often than not when they go back to their constituency on a Friday or they listen to the stories that their constituency assistants tell them is to help people try to access the northern health travel grant. So you put on top of that the insult of watching a group of people from another part of the province get all of their costs covered, and I would suggest probably in a more timely and efficient fashion than those of us who live in the north get. There are a lot of really good people up there, particularly in the Sudbury area, organizing now in many significant ways, setting up Web sites and telephone numbers that you can call into so that we can all send a message to the minister that she needs to do something. That affects our economy in a major way.

All this talk of e-commerce and the very progressive move we're making here tonight to pass legislation that will ensure that everybody can participate in a clear and more accessible way will be for naught if we can't get those very basic services at a price that we can afford no matter where we live in this province. This new e-commerce bill will give people in Sault Ste Marie and Sudbury and Sioux Lookout and Fort Frances access to the new information highway and to commercial activity that they never thought possible before. But if they can't get, alongside of that, the access they need to all of these other things, like health care and education, and if their environment is going to be affected in a serious and significant way, what's the point? "Why bother?" is what I say. Our party, for example, has been grappling with many of the contradictions inherent in the new economy I've just been talking about, where you've got a few high-profile instances of teenage dot-com millionaires, contrasted by a growing number of people living at deeper levels of poverty than ever before in this province.

2050

For example, at the New Democratic Party convention held in Hamilton this past weekend, our party hosted a

panel discussion that I moderated which was named Unpacking the New Economy. That panel featured two pre-eminent economists, Jim Stanford and Armine Yalnizyan, as well as our party president, Gayle Broad. Gayle has done a lot of work over the last couple of years in the area of community economic development. As a matter of fact, she's just presented a thesis in order to get her doctorate in community economic development and new initiatives.

Mr Stanford talked about what he terms "e-hype," which is his way of describing the current frenzy over a paper economy, which has no basis in our everyday reality. On the one hand, you've got hyper-inflated Internet company stocks going through the roof and, on the other hand, you have a stagnating real economy that is characterized by lingering job and income insecurity, no more so than in northern Ontario, communities like the Soo that depend so much on steel, paper and wood. It's the same thing with Sudbury and Thunder Bay. Some may wish to think the paper economy is the embodiment of Nirvana, the new panacea, but the majority of our economic resources in the new millennium will continue to be the production of goods and services. We can't lose sight of that.

Tonight I'm saying yes, it's important that we pass this e-commerce bill and that we participate in the new economy. But be careful that we don't get blinded by the light, that we don't forget that the economies of Ontario and Canada have been based, for a long number of years now, on the resources we are so lucky to have access to, on the resources that we bring to those resources as we make them into things we sell. I suggest to you that when the blush is off the rose à la this new economy with e-commerce and the Net, dot-com and those kinds of things, we will fall back again and become very much dependent on that very basic resource-based economy where people make things and sell them, where people trade their goods and help each other out and work cooperatively to make sure we all have a decent standard of living.

That's what we'll fall back on. If we forget it, as this government is suggesting today by both the things they do and the lack of things they do, we will do a disservice to the future that we all deserve in this province. More and more people, as we go on, will be falling off the bus and not participating.

That's what Jim Stanford was saying in some very interesting and funny ways this weekend at the convention that we had in Hamilton, not to forget, not to lose sight of what the foundation is to the economy that we've all been the beneficiary of in this province over a number of years and will continue to be if we're smart in the way that we develop it and if we include everybody who calls Ontario home in that.

The real question about the new economy is this: Does it improve our quality of life, does it improve our standard of pay, does it improve our security for the future and does it include everybody?

The answer greatly depends on who you are. If you're John Roth, CEO of Nortel and Canada's leading advocate

of low taxes, especially on stock options, you'll get \$20 million in after-tax profits due to this year's federal and provincial tax cuts. If you're John Roth, you're a pretty happy camper with the new economy and you're pretty happy with governments' new tax rules within the new economy because the tax regime that's being introduced at both senior levels of government in Canada today is very much in line, very much in harmony with the interest and the priorities of the new economy. If you were among the top 20% of income earners in Canada in 1998, you had a much better year and decade than anyone else. After-tax incomes rose by 4.1% between 1997 and 1998.

But if you're poor, the depth of poverty is getting worse, not better, even amid growing prosperity. If you were a single mother with no employment income in 1998, your average income fell between 1997 and 1998. It fell from a measly \$7,456 in 1997 to a paltry \$6,513 in 1998. Imagine that. People in the bottom 20% of the income scale experienced a real income decline of 12.6% over the past decade. This is the fundamental contradiction inherent in the new economy and it's why we have to have hearings on this new e-commerce bill, because there are questions. We have to make sure that it works for all of us.

Amid the hype over the dot-com economy and *Who Wants To Be A Millionaire* television programming, we have the stark reality of greater depths of poverty. Just walk around the city of Toronto and look at the number of people sleeping on the streets at night these days. As Armine Yalnzian told our convention delegates on the weekend, there are a whole lot of people who are not sharing in the prosperity the way they did in previous decades when the economy was good and employment was on the rise.

The 1990s marked the era of the non-standard job, where self-employment was the single fastest-growing job niche, followed by temporary and contract work, and that's a shame. What we're seeing in the new economy is the rise of economic Darwinism, where only the financially fittest make it to the finish line and get to claim the prize. The new economy is about who gets included in this era of prosperity, and it's about who gets left out.

Our panelists and delegates got into a feisty and emotional discussion about how the new economy is affecting the people of Ontario. Some people made the link between violence against women and increasing poverty. I suggest that road rage might be a symptom. A delegate living with a disability pointed out that the majority of unemployed or underemployed workers in Ontario have disabilities. They are simply not being invited to share in the wealth of jobs that has suddenly been created. That's the reality.

Jim Stanford pointed to the role of monetary policy within the new economy, and governments' deliberate maintenance of high unemployment to keep productivity levels in check. Can you imagine using high unemployment to shore up the good fortune of that small number

of people who are doing so well in this economy? "God help us," Jim Stanford quipped, "if an outbreak in mass prosperity might occur and someone other than a CEO might get a raise."

Delegates pointed to the need to pressure governments and corporations to hire for real jobs in this new economy, rather than simply funnelling profits into the never-ending spiral of stock options and hyperinflated paper economies. As Stanford noted, a lot of people would prefer to have a full-time job with benefits than the insecurity of contract work or even self-employment. In the States, for example, economic prosperity quickly translated into real job growth, and self-employment numbers declined rapidly, but that hasn't happened here in Canada.

Whether you want to work at home or in a full-time job somewhere outside the home, the one thing we all share in this new economy is a desperate need for stability: for social stability, for stability in our communities and for economic stability within our families. We're surrounded by so much insecurity, we're telling twentysomethings to start squirreling away money into RRSPs so that they can have something when they're forced into early retirement and have no public pension to rely on.

Clearly, there is something very old and familiar about the new economy: It is still about the same power relationships that characterized the Canadian economy long before the great market crash of 1929. Clearly, the challenge is to start talking about redistributing power and minimizing the extent of misery and dislocation that has been growing in Ontario in recent years.

The key to economic justice lies in social justice, in a sustainable economy that protects and respects our environment while offering a greater level of security for everyone, not just for the John Roths of this world. Instead of talking solely about economic fundamentals and corporate profits, we need to shift the debate to fundamentals for people, so that the economic prosperity this province is currently enjoying is something that is shared by everyone. That, sadly, is not the case today.

**The Deputy Speaker:** Comments and questions?

**Mr Bartolucci:** I would like to thank the member for Sault Ste Marie for an excellent speech, and I want to wish him well on his trade mission to Ireland. God knows that we need all the help we can get when it comes to the economies of northern Ontario. For example, in Sudbury we have a poverty rate of 21.2%—that's 21.2% of the population in Sudbury is living below the poverty line. I'll tell you, the Minister of Northern Development and Mines should be very concerned and should start doing something about that. As well, I appreciate the comments of the member for Sault Ste Marie with regard to Ontarians Seeing Equal Cancer Care. It is an organization that may have roots in northeastern Ontario, but it's quickly spreading all across Ontario. There's absolutely no question about that.

In line with Bill 88, I'd like to repeat the Web site address. It's [www.vianet.on.ca/~funding/travel.html](http://www.vianet.on.ca/~funding/travel.html). I



urge people to go into that Web site and sign up. Fight the government's health care apartheid. If you don't have a computer, this group has launched a toll-free phone number. It's 1-800-461-0159. I wish the member for Sault Ste Marie good health, a good trip, a productive trip, and I know his constituency is well served because of this trade mission.

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**Mr Ruprecht:** I listened very carefully to the remarks by the member for Sault Ste Marie. One message that all Ontarians should take close to their hearts—the message that he's trying to get across and that I wish government members would listen to very carefully—is that at the heart of economic justice lies social justice.

I think that's probably the essence of Mr Martin's whole presentation today. We not only agree with it, but it cannot be that this government shuts out a whole generation of Canadians because tuition fees are rising on a continual basis; it can't be that we're creating two classes of people, one that can afford the education system and another that is shut out and can't afford to pay the tuition fees this government has ratcheted up to the point where people are not able to go to school.

One way to solve it, apparently, has come down. You've come down from the mount and you've discovered that one way to do it is to supply students with enough money, even though they have to pay it back once they graduate. So today what do we have? We have thousands of students with a debt load of over \$40,000 by the time they graduate. This cannot be. Our new economy, as Mr Martin points out—let's not be blinded by the new paper economy. We've got to go back to our source. Another consideration is that we cannot be hewers of wood and drawers of water. We have to add some labour power—

**The Deputy Speaker:** The member's time has expired.

**Mr James J. Bradley (St Catharines):** I appreciated the speech by the member for Sault Ste Marie. I was wondering what he thought of this statement in this electronic age. I'm looking at a document that says "A Cleaner Ontario." It's a cabinet submission dated March 14, 2000, but it got deep-sixed or lost somewhere or ended up in the fireplace. It says the following:

"The current complement of environmental officers (174) in the ministry's district offices respond annually to 22,000 reports of spills and pollution complaints, and assist with the issuance of more than 16,000 certificates of approval, permits and licences. The same staff spend 20% of their time inspecting approximately 4,000 facilities per year, as per the work plan. The number of inspections completed represents less than 10% of what should be inspected if all existing and/or potential sources of pollution were inspected every year."

It goes on to say: "Existing MOE inspectors and investigators are fully committed to their current work plan activities. Through these activities (inspect/assess, respond) approximately 10% of current known sources of pollution are inspected annually. Taking staff away from

these activities would result in slippages which would negate the positive impacts of the new program. Therefore new staffing will be required for this new program."

I'm going to ask the member whether—and I know it has everything to do with this bill—he is concerned that the Ministry of the Environment is inspecting only 10% of the facilities and potential pollution problems it should because it's so understaffed. This, apparently, got lost somewhere. This proposal came forward for more staff; it will come forward now because of Walkerton, but it got deep-sixed in March. I wonder what the member thinks of that.

**The Deputy Speaker:** Comments and questions? The member for Sault Ste Marie has two minutes to respond.

**Mr Martin:** I thank the members from Davenport, Sudbury and of course St Catharines. I agree with him: If they had listened to whoever drew up that document and actually hired back the people they laid off, we might not have had Walkerton. I suggest to you, as I said at the end of my speech, that instead of talking solely about economic fundamentals and corporate profits, we should shift the debate to fundamentals for people so that the economic prosperity this province is currently enjoying—some people are enjoying—is something that is shared by everyone. That, sadly, is not the case today.

Some of you will know that I worked very hard for the last five or six years on getting a regulation in place in this province to protect franchisees. Small businesses across this province are struggling right now because of some of the distribution systems and other kinds of systems put in place by the big corporate world, who are about nothing other than sucking money out and killing, by way of that, the small entrepreneurs—very sincere, hard-working, people who invest their money—and putting them out of business, and killing, while doing that, the potential for local economies to do well and take part in the prosperity that's out there that is so obviously present if you drive around the suburbs of Toronto but certainly not if you went to Sault Ste Marie or Sudbury.

The corporate agenda is not the agenda of the working people of this province. The corporate agenda, in my experience from working with the small businesses that I've worked with over the last five or six years, is not the agenda of small business either, because it doesn't allow them to take advantage of the intelligence they bring to their job, the hard work they do and the investment they make.

Small businesses make the investment; they do all the work. The big corporate entities have all the money and have all the power at the end of the day. If this bill is passed today, I'm not sure what it's going to do in those instances.

**The Deputy Speaker:** Further debate?

Mr Flaherty has moved has moved second reading of Bill 88. Is it the pleasure of the House that the motion carry? It is carried.

Shall the bill be ordered for third reading?

**Mr Gerry Martiniuk (Cambridge):** I would request that the bill be referred to the committee on justice and social policy.

**The Deputy Speaker:** The bill is accordingly referred to the justice and social policy committee.

Orders of the day.

**Hon Tim Hudak (Minister of Northern Development and Mines):** Mr Speaker, I move adjournment of the House.

**The Deputy Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

This House is adjourned until 10 o'clock tomorrow morning.

*The House adjourned at 2109.*



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 22 June 2000

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 22 juin 2000

*The House met at 1000.*

*Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### REPLICA FIREARMS REGULATION AND PROTECTION ACT, 2000

### LOI DE 2000 SUR LA RÉGLEMENTATION ET LA PROTECTION À L'ÉGARD DES RÉPLIQUES D'ARMES À FEU

Mr Bryant moved second reading of the following bill:

Bill 67, An Act to protect the public by regulating the sale of replicas of firearms / *Projet de loi 67, Loi visant à protéger le public en réglementant la vente des répliques d'armes à feu.*

**The Deputy Speaker (Mr Bert Johnson):** The member has 15 minutes to make his presentation.

**Mr Michael Bryant (St Paul's):** I rise today to speak to Bill 67, a private member's bill that seeks to deal with a serious issue on the streets of Ontario. It's an issue involving what I call phony guns: air guns, b-b guns, pellet guns and starter pistols. These guns wreak havoc for police, for victims, for many merchants, the person working behind the counter at the 7-Eleven or behind the counter at the bank, because when faced with these weapons, what happens is they have to assume that they are real weapons. They are almost identical to real weapons.

Last week on a point of order, the parliamentary assistant to the Attorney General sought unanimous consent to show the interlock devices to the House so that we could see just what we were dealing with here. I seek unanimous consent so that I can show the people of Ontario and this House how much these items resemble real firearms.

**The Deputy Speaker:** The member has asked for unanimous consent to a display these replicas. Is there consent? Agreed? It is agreed.

**Mr Bryant:** Thank you, Mr Speaker. I have deposited them with the Sergeant at Arms for self-evident reasons, I hope. I'll continue.

These items so resemble real firearms that they have caused serious trauma for victims and, frankly, these items have ended up injuring and killing a number of people in Ontario.

Here they are. I'd ask members of the House and the people of Ontario to ask themselves, if they were looking down the barrel of one of these items, "Am I looking down the barrel of a real gun or am I looking down the barrel of a phony gun?" These items can be bought like candy at a corner store. You can buy them like any other hardware in any hardware store, but make no mistake about it, these phony guns kill.

Mr Speaker, 40% of all the weapons picked up by the police in Toronto and in Ottawa are these phony guns. The number is 25% of all the weapons picked up by the police in Niagara and in Windsor. This is a serious problem. These guns are being used by criminals in the commission of offences. If somebody uses these weapons in the commission of an offence, that is already an offence under the Criminal Code.

Here's the problem. These weapons are so accessible, all you need to do is walk into a hardware store or a gun shop and purchase these guns, no questions asked. This is the problem. The proliferation of these guns—and I'm going to talk about what the result is—is a result of the fact that there are no regulations whatsoever prohibiting these particular guns.

They're different from replica guns per se. Replica guns are intended only to look like guns. Those are banned under the Criminal Code. These weapons do have a legitimate purpose in some contexts. In rural areas in particular they are often used to deal with rodent problems. They're often used for target practice, plinking. But in the cities of Ontario it doesn't make sense to have these guns proliferating as they are.

What happens? In Emery Collegiate back in February there was a shootout, as you know, in a parking lot there. One of the weapons allegedly was one of these phony guns. It was a starter pistol. Starter pistols can be purchased like any other item, the barrel easily hollowed out with a simple tool and suddenly they're real guns, real firearms. You can purchase this weapon at a hardware store, whether you're a kid or an ex-convict, and transform it into a firearm with a simple tool. Then you've got a firearm in your hands.

On January 1 of this year Henry Masuka was shot dead by police when he pulled out one of these weapons in St Mike's hospital. The police had to assume that in fact it was a real gun.

January 2, the next day, the police had to respond to a complainant who was waving around a phony gun. It was reported in the news.



January 5—this is just the first week of this year—police seized a pellet pistol and b-b gun from three young men spotted by residents near the Glen Stewart ravine. A couple days later: a complaint that someone was waving around a .357 Magnum handgun, and on it goes.

A teacher in another province quit her job when a kid stood up and pointed one of these weapons at the person.

Just this week a gun scare left Glebe students shaken. A boy of 15—again, that boy can purchase this gun without showing any ID, without having any background check, no matter what. This kid could purchase the gun as easily as a burger in a drive-through.

This bill has non-partisan support from police, from safety organizations. I'm happy to say that the Premier of Ontario set aside partisan considerations. He has expressed words of support for this bill as well. He said in this House on April 18, "Let me applaud the initiative" of the member for St Paul's for bringing this forward. On May 10, he said of this initiative: "We thought it was a good initiative, a good idea.... I certainly applaud your backbench member for raising this issue. I think he is on the right track...." Later, on May 11, he said to the media that he had asked the Solicitor General to look into this bill, to support it. He said, "We thought it was a good initiative, a good idea." The Premier supports it.

He's not alone. Editorials from across the province have supported it, and I'm not going to read them all. I'll just say that not a single editorial has spoken out against it. Again, the Premier said, "Anything that would make the police's job easier and anything that would remove the threat of guns from the street, I think is a good thing."

The Canada Safety Council has written a letter—I've circulated it to all the members—endorsing the bill. I don't think I'm going to have time to get through all of them.

Another letter, dated May 2, 2000: "I am pleased to advise that I support and endorse this bill. I believe that it filled a gap in ... legislation regarding weapons, and will assist in reducing offences committed using replica guns," signed by Julian Fantino, chief of police of Toronto.

A similar letter of support: "I am pleased to advise that I support and endorse this bill. I believe that it will assist in reducing offences committed using replica guns," from Kenneth Robertson, chief of police of Hamilton-Wentworth.

Another letter: "I would like you to know that I strongly support this private member's bill as an excellent initiative which will go a long way in making our communities a safer place to live," says the chief of police of Ottawa-Carleton, Brian Ford.

Chief Bill Closs of Kingston: "The value of your effort is recognized when one understands that these 'look-alikes' may be represented as firearms during the commission of a criminal offence. Unfortunately, to a victim facing a threatening or criminal act or to a police officer responding to a reported incident, the look-alike is the real thing, and this could result in fatal consequences."

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Chief Noel Catney of the region of Peel: "It is my view that these replica guns present a significant danger to both the public and police officers that respond to incidents where they are involved. Public safety is a paramount concern to law enforcement officers and the regulation of these items will hopefully reduce or ultimately eradicate future incidents where the well-being of individuals is unnecessarily placed in jeopardy."

I could go on on this front. As I've said, 40% of the weapons picked up in Toronto and Ottawa are these weapons. These are nightmares for victims. These are nightmares for the police. People can buy these weapons without any questions asked. What this bill would do is simply regulate these weapons, just as the ammunition for these weapons is regulated. Right now, if you want to buy a b-b for one of these weapons, you have to show ID, your name is put down on a ledger, you have to be an adult to purchase them. That just makes sense. But if you want to buy the guns themselves, you don't have to show any ID. You could be a kid or an ex-con. That doesn't make any sense.

What this bill does is regulate the weapons themselves in a similar fashion as the province of Ontario is already regulating the ammunition. I would urge all members here to support this bill. It has bipartisan support, the support of victims' groups, the safety council, chiefs of police. The Ontario Provincial Police Association called me last week to say they endorsed it, and the Premier of Ontario has expressed words of support. I ask for this House's support today.

**Mr Frank Mazzilli (London-Fanshawe):** I will be sharing my time with the member from Barrie and the member for Haldimand-Norfolk-Brant.

I was in the House when the member presented this bill, and the Premier has certainly endorsed the concept of how to regulate replica handguns. The reason he supported that concept was that in many cases, not only in this city but across the province, where a replica firearm is used in the commission of an offence, as the member properly pointed out—and brought in some replica-type firearms—a police officer or a member of the public confronted with that look-alike firearm would have no idea whether it is in fact a real or fake firearm.

In the past, replica handguns were certainly not covered in any way in the Criminal Code, and it was because of the continuing increase in them being used in the commission of offences that they were covered. Let me go to the definition of a "replica handgun" in the Criminal Code: "Any device that is designed or intended to exactly resemble, or to resemble with near precision, a firearm, and that itself is not a firearm, but does not include any such device that is designed or intended to exactly resemble, or to resemble with near precision, an antique firearm."

On that definition, the Solicitor General has certainly asked for some clarification from the Honourable Anne McLellan in relation to how to apply that definition. Does that mean that a replica handgun has to have the

same weight for it to be defined as a replica? Does it have to be the same materials used? Because it says "exactly" in the definition. These are the difficulties that police services are presently confronted with. It's certainly defined but it's not clear as to how it's to be enforced.

I say that this concept is one that police associations, police chiefs, the Premier and the Solicitor General endorse. However, having said that—and I've spoken to the member who has presented this—the bill also has many difficulties. Those difficulties are a different definition for a replica handgun in the province of Ontario. His definition is "'replica of a firearm' means an object that is not a firearm but might reasonably be mistaken for a firearm and includes compressed air and compressed-carbon-dioxide-powered b-b and pellet guns and starter pistols." You can see the broad definition of what a replica handgun is that has been extended in the member's bill.

The other difficulty with the bill is that "seller" is not defined in the bill and therefore one could arguably say that a family member passing it on to another member is actually a seller and would be covered by the legislation.

I urge everyone to take an extremely close look at the bill. Police associations, police chiefs and the government endorse the concept. I suspect the difficulties with the legislation, as we see with many private members' bills, is that the intent is good until one starts drafting the legislation and difficulties arise from that legislation. There are some issues we can work with. The Solicitor General is consulting with police organizations across the province, police chiefs and so on, to see what we can do in Ontario to monitor replica handguns that are not covered under the Criminal Code.

**Mr Joseph Cordiano (York South-Weston):** I am very delighted to be able to speak to this bill. My colleague the member from St Paul's is to be commended, as he already has been, but let me take this opportunity to commend him yet again because this is truly an important piece of legislation that all of us can be proud of and that all of us should support unanimously.

I would like to correct some of the things the member for London-Fanshawe has said, and I suppose that what he was referring to was a misinterpretation of some of the elements that are contained in this bill. Specifically, he's talking about what this legislation fails to do. What this legislation actually does is fill the void that exists now in the federal legislation and the Criminal Code regarding imitation firearms and replica firearms, which are covered in the Criminal Code. What this bill directs its attention to are those firearms which currently do not come under the auspices of the federal code, are not contained in the federal code, but fall between the cracks. It is an attempt to deal with those firearms, which currently can be purchased directly, that are used, as my colleague from St Paul's said, particularly in rural areas, sometimes to deal with rodent problems—b-b guns, air-guns and the like. These are weapons that can be purchased today from retailers. There is no regulation

regarding the purchase of these firearms and therefore there is no record kept of these firearms.

Again, this legislation makes it illegal to tamper with these firearms. Furthermore, it calls for the regulation and the recording of such a purchase, which I think can only help in our society. It would go a long way to dealing with the very real and dangerous situation if these firearms are tampered with and used in the commission of a real crime. All too often we are beginning to see that these violent situations with the use of firearms are being thrust upon the citizens of more than one urban centre in this province. It's not just in Toronto; this problem is occurring throughout the province, as has been enumerated by my colleague, and these incidents have been recent. Hamilton-Wentworth, Ottawa—this is happening throughout the province. Toronto is a big city and there are big-city problems associated with it, but these problems are occurring in other major centres across the province.

1020

That speaks to the need for some regulatory framework for dealing with the recording of the purchase of these weapons. As was demonstrated by my colleague, as he was permitted by unanimous consent to show us these firearms that can be legally purchased today, they are truly scary, and tampered with, they can become real firearms to be used in criminal acts.

Again, this is not dealing with just the sale of replicas. The Criminal Code deals very specifically with the sale of replica guns. I'm quoting from subsection 84(1) of the Criminal Code:

"'Imitation firearm' means anything that imitates a firearm, and includes a replica firearm.

"'Replica firearm' means any device that is designed or intended to exactly resemble, or to resemble with near precision, a firearm, and that itself is not a firearm, but does not include any such device that is designed or intended to exactly resemble, or to resemble with near precision, an antique firearm."

Subsection 85(2) makes it an indictable offence to use an imitation firearm while committing an indictable offence, attempting to commit an indictable offence, or during flight after committing or attempting to commit an indictable offence. I think this is clearly a distinction between what is covered in the Criminal Code and what is not, with respect to the firearms that are specifically referred to by this legislation that is being brought forward by my colleague from St Paul's, Bill 67.

This is a piece of legislation, I would like to reiterate to my colleagues from all sides in the House, that should be a non-partisan act. We should all unanimously agree with this legislation because it covers the essentials. If you agree that imitation and replica guns ought to be made illegal in the act of a crime and therefore regulated, then I don't see how you could disagree with this piece of legislation. It is inconceivable that you would. It has nothing to do with the use of weapons for hunting purposes and otherwise that would be used in rural communities or on shooting ranges. Bill 67 simply requires that



the purchase of these weapons be recorded and therefore we have some record and are able to keep track of some of these weapons, where they end up.

Police commissions throughout the province have supported this piece of legislation, as was pointed out by my colleague earlier. In fact, the Premier is thinking of supporting this. I ask the members opposite: Why wouldn't you think of supporting this? I can think of no other time during this Legislature in private members' hour where a piece of legislation was brought forward that could not be supported by all members of this House, and therefore I urge members on all sides of this House to support this legislation. I want to once again commend the member for St Paul's for his work and his initiative in this regard.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm certainly pleased to join in the debate with respect to the member for St Paul's private member's Bill 67 dealing with replica guns. Safe streets is one of the government's top priorities, and the fact is that replica guns are already prohibited devices under the federal Firearms Act. It is an offence to manufacture or sell replica firearms unless authorized to do so.

The troubling issue, however, is the increasingly prevalent use of guns, real or replicas, in the commission of crime. Ontario has continued to call on the federal government to increase penalties for the possession of real or replica guns used in criminal acts, in order to deter their use, as well as to see stricter repercussions for those who use them. With respect to the private member's bill, its intent, which is basically to do something about phony guns to make our streets safer, is laudable, and certainly there is going to be further debate on this bill in terms of whether we can accomplish this goal.

One aspect of the bill which I think brings reality to the situation, although what the member is trying to do is noble and has merit, is that when we look at the bill in terms of "Prohibition, purchase of replica," it indicates, "No person shall purchase a replica of a firearm unless he or she satisfies the following conditions." Paragraph 2 under subsection 2(1): "The purchaser must make a signed statement describing the intended use of the replica and confirming that he or she does not intend to use the replica for an unlawful purpose." It goes on to say, under subsection 2(2): "The purchaser of a replica of a firearm shall not use the replica for a purpose that is inconsistent with the intended use described in the statement referred to in paragraph 2 of subsection (1)."

Therein lies the weakness of what the reality is and the intent of legislation. To control the use of replica guns like real guns, certainly the intended use is where the problem is. It's not always what the person is going to indicate they're going to use that particular replica or real gun for; it's what they end up using it for. We have a case with respect to the tragic situation at a hospital here in Toronto where an individual used a replica gun against the throat of a doctor in the emergency. I don't believe that when the person bought the replica they ever intended to use it for the purpose they used it for, but in fact

they did use it for that purpose. That's the difficulty when we're trying to deal with this type of conduct.

As I said, the possession and use of firearms is controlled by the federal Criminal Code and the Firearms Act and the federal government's criminal law power to prevent crime, including keeping the peace. Replica firearm is defined under the Criminal Code, in part, to mean "any device that is designed or intended to exactly resemble, or to resemble with near precision, a firearm." So the aspects of the bill dealing with replica guns indicate that there is no control in Ontario over the sale of air guns, pellet guns or starter pistols, and we're not aware of any other jurisdiction in Canada that regulates those sales.

Subject to express conflict with federal legislation—and there may be a direct conflict in terms of this issue because the federal government already has legislation with respect to replica firearms—the province could regulate the purchase and sale of objects that look like firearms so as long as the regulation is attributed to a valid provincial head of power, such as the regulation of a local business. While the definition of a replica firearm in the private member's bill would include devices that fall into this Criminal Code definition, it is much wider and includes many devices, ie, compressed air guns and starter pistols, the sale of which is not controlled by either the Criminal Code or the Firearms Act. There may be situations, and I think the member is probably aware of this, where there are going to be conflicts with federal legislation and that's going to have to be ironed out.

The fundamental focus of this government, obviously, to make our streets safer, is to make sure that there are consequences that go with using either a replica or a real gun for improper purposes or in a criminal act. We have to focus on the use of these guns and make sure that they're not used for an improper purpose, and to make our streets safer.

I give up my time at this point.

1030

**Mr Dave Levac (Brant):** Regrettably, I'm starting to hear some things that I feel are missing the point. What we're starting to hear from the other side, unfortunately, is: "It's already covered. We think it's covered here." What we're trying to point out, very clearly, is that we have a gap. We've identified the gap. The gap is you can't buy the ammunition for these guns without registering but you can buy the guns. It's not regulated.

What we're asking of the members opposite is to say: "We have found a problem. We admire and respect the fact that this legislation is going to solve that problem for our citizens of Ontario, and we're going to bring forward the legislation that the chiefs of police, the people who have to face these things day in and day out, are onside with."

We've given evidence, and it's researched, that 40% of the guns seized are of this nature—not regulated. What we're asking the government members on the other side to do is to go ahead and stay with your ideological notions that you have all the answers for crime and

justice in this province, but at least when something gets pointed out to you, that there's a crack in the foundation, let's get it filled in a non-partisan way. Unfortunately, I'm beginning to hear some of those rumblings again. Please, step back from that road and go down the road we're offering you for the benefit of all the citizens of Ontario. Let's get that one aside and start talking about the issue.

The issue is that in Ontario there are no controls over the sale of air guns, pellet guns or starter pistols because they don't fall within the realm of the federal regulations. It's not covered in the Criminal Code because of the little loopholes that are in the description. Now that we've found it, let's fill it. If it's going to committee, we'll take care of the small amendments in terms of the definition of a word, but let's not play games here. We're talking about actual life-and-death situations for the citizens of the province. There are people who have been shot as a result of these items when they weren't even bored down the barrel and used as an actual weapon, because a police officer is trained for split-second decisions. They are trained to acknowledge that these replica guns are so much like the actual thing—and they're not covered—that they can cause death.

Let's move off the rhetoric. Let's move off the idea that anything else is going to be covered, that it's covered with the federal laws. We pointed it out: It's not there. So let's move off that discussion and simply say: "You've got a great piece of legislation going here. Let's take a look at it in committee to make sure that the wording and the definitions are correct." Let's stand up and say: "Thank you very much for bringing forth legislation. Thank you very much for giving us that concept and filling that crack. Let's work together."

Let's make sure that the province of Ontario and the people who represent us are safe and secure in doing that job. Let's take this menace off the road. At least we get to legislate some regulations with this.

What I'm really concerned about is this turning into a debate as to who's got the biggest stick when it comes to justice issues. What I'm trying to say is, let's take a look at this legislation and say very clearly: "You're on the right track. You've got the best legislation that's been put forward in this House, and it doesn't matter what party is doing it." Let's start looking at the legislation in the way it was done. As an example, I stood in this House on behalf of the Liberals, when the Solicitor General introduced legislation that was for the protection of people, and I said: "Thank you very much for that piece of legislation. Let's move it forward. We support you."

What's really difficult here is that we've got members on the other side who can't even bring themselves to say: "Thank you very much for that piece of legislation. We'll work with you, hand in hand, and make sure it gets passed."

Let's make perfectly clear that we've got a major problem here that many people outside this Legislature support. Let's get on with the job of legislation. Let's get

on with the job of making sure this piece of legislation gets passed on behalf of the citizens of Ontario.

**The Acting Speaker (Mr Ted Chudleigh):** Further debate?

**Hon Margaret Marland (Minister without Portfolio [Children]):** I think Mike did better without your help.

**Mr Peter Kormos (Niagara Centre):** I'll cede the floor to Ms Marland if she insists.

**Hon Mrs Marland:** I'd like to speak—

**Mr Kormos:** Does Ms Marland want to rise on a point of order?

**Hon Mrs Marland:** No, not on a point of order.

**Mr Kormos:** I trust she'll be speaking to the bill in due course when the rotation permits Conservative members to address this private member's bill, or she can try to out-volume me and overwhelm the debate with her heckling.

I should tell you right off the bat I'm going to support the bill. I've been listening to the debate. This has been described as a major problem. When Gillian Hadley was slaughtered by her estranged spouse a couple of days ago, it wasn't with a replica. It was with a real handgun by a madman pulling the trigger who had no firearms acquisition certificate or permit, who hadn't acquired a legally registered firearm. We clearly have a problem that transcends whether or not people have to sign to buy a b-b gun or an air pistol. I understand. I don't think anybody really disputes that.

I find myself in an interesting position in terms of the lay of the land in terms of political parties and the whole issue around gun registration and the Supreme Court decision and the incredible resentment that's been expressed by bona fide gun owners across the country and here in Ontario, and in my riding as well, over the course of the last couple of years over forced registration of legitimate handguns.

I recall, and some of the members will—Ms Marland will—Mike Farnan's bill before the Legislature dealing with replica firearms, but not the replicas that are contemplated by the Criminal Code, not the non-firing—what do you call them?—the disengaged automatic machine guns, but the look-alike handguns, most of which are toys, the sort of things that any of us as kids—mind you, when I had my little cap gun as a kid, I wasn't playing cowboys and cattle rustlers; I was playing revolutionaries versus the Battista army. That was where I came from.

Mike Farnan's bill, you should recall, had a mixed response. Quite frankly, people from all three caucuses were for it and, similarly, against it. It was one that addressed the concern about using, or youngsters even having in their possession, a look-alike, albeit a toy gun, such that they put the police in an incredible position of jeopardy, where a police officer, seeing in the dark in a dangerous situation a younger person holding one of these things, would be put in the incredible predicament of having to make a snap judgment about whether he or she was being confronted by a real firearm or a cap



pistol. Mr Bryant appears to be addressing the issue, as I understand it, of b-b guns, air guns and starter pistols. That's the scope of it.

I suppose times have changed. Most of us as youngsters—the shrill admonition of our mothers saying, “You'll put somebody's eye out with that b-b gun,” can still be recalled. Mr Bryant explains, and he has police officers supporting the proposition, that in the instance of, let's say, starter pistols, they can be easily converted to—what do you call them, Mr Mazzilli, zip guns? Is that the phrasing out on the streets in terms of what people do when they convert a starter pistol into a real pistol that can fire a live bullet, a zip gun? In that respect, that falls into the area of replica firearms as the federal government has addressed them; you talk about something that can be readily converted into a real firearm.

I really am not sure, I'm cautious, about putting air guns and b-b guns in the same category as firearms, handguns, rifles, that can be converted into bona fide firearms that are capable of shooting a 22-calibre bullet or what have you.

At the same time, there's probably nothing offensive about ensuring that people who purchase b-b guns and air guns are at least 18 years old. Surely they're dangerous enough—like your mother told you, you can put somebody's eye out with that—that they warrant somebody over the age of 18 having to purchase it. In many cases it will be parents who want their kids to acquire some familiarity with long-barrelled firearms. Again, in rural scenarios, in rural Ontario and all of the north, among families for whom hunting and fishing and that sort of outdoor activity is part of their life, part of their culture, I don't find it objectionable in any way, shape or form. Nobody should. I don't find anything objectionable with a parent purchasing, for instance, a b-b gun to familiarize their child—not a person so young as to be irresponsible in the use of them—but to be buying a b-b gun to familiarize their child with the rigours and the responsibilities inherent in using a firearm if that child is going to grow up into a position where she or he is going to be using firearms in the course of hunting or target shooting, that sort of thing.

**1040**

So it's not an objectionable piece of legislation. One of the problems, and people have heard it, is that we've got all of this fragmented stuff. I recall well the bill that had all-party consent, the bill that Mr Bryant has referred to about purchasing ammunition. Mr Bryant says that b-bs and pellets fall within that definition of ammunition. So one of the problems is that this is fragmented all over the place. I think one of the good things about this being passed would be to send it to committee—and not these silly one-day committees, but a real committee—to also talk about perhaps bringing all of this legislation together provincially. That wouldn't be such a bad idea, would it, Mr Bryant? To put the prohibition against purchasing ammunition into the same piece of legislation so that we have a comprehensive provincial approach to how people go about purchasing these quasi-firearms—I'll call them

that; I hope that's not objectionable to anybody—b-b guns, pellet guns, starter pistols; how they go about purchasing them, how they go about registering them.

Mr Bryant also asked for a criminal record search. I've had some problems with this government on criminal record searches. We've talked now for a good chunk of time about my private member's bill which would facilitate criminal record searches for people participating in volunteer activities like Big Brothers and Big Sisters and Boy Scouts and Air Cadets, the whole nine yards. I've presented a bill that would require police services, police forces, to produce these criminal record searches free of charge as part of their service to the community.

Here we've got another instance where somebody has to provide a criminal record search. That ranges in cost from zero in some municipalities—some police services are still doing it for free—to \$40, \$50, \$60 at the last count. We're told that police forces are seriously under-resourced, understaffed, that they feel increasingly pressured by the volume of, among other things, record searches, which is why they're charging user fees and why, in some cases, they're particularly lengthy processes.

This seems to be a halfway approach to the style of applying for a firearms acquisition certificate, where you have to provide references—many MPPs are called upon to provide references for their constituents when their constituents are applying for firearms acquisition certificates—and where a police officer in that services board is assigned to review these applications to determine whether or not he or she is going to consent to the request for a firearms acquisition certificate.

I noticed earlier this week how the government—in the instance earlier this week it was the Minister of Correctional Services—was responding to a question from one of his backbenchers. Of course, he knew the question, because his ministry wrote it. That's what happens when backbenchers ask questions of their ministers, or at least now. I recall one government where one backbencher asked real questions of their ministers, but those days have long passed. But again, it was an opportunity on the part of the minister of corrections to try, very fecklessly, to take a shot—well, in that instance it was at my bill, which called for transparency in parole hearings. This government doesn't like at all having its flaws around so-called law and order, safe communities, victims' rights pointed out to them.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** We're big on law and order.

**Mr Kormos:** They're big on law and order, the judge says. Of course you're big on it because you know it's got—what do they call it?—resonance out there in the community. Far be it from me to criticize an effort by any member of either of the opposition parties to seize a headline for a day—as many days as possible, running consecutively. But I have a very uncomfortable feeling when this government responds to these kinds of efforts with the attitude it displays a little bit today.

The Victims' Bill of Rights: It's been over a year now since the courts in this province declared what opposition members said from day one, and that is, the Victims' Bill of Rights has no teeth. It contains no rights. There's no enforceability. Yet as recently as a couple of weeks ago, a minister of this government again spoke about the Victims' Bill of Rights as being one of the hallmarks of this government. Come on. Let's acknowledge that there isn't a member of this assembly who isn't interested in building safer communities, who isn't interested in ensuring not only that victims have rights but that victims don't become victims—in other words, crime prevention.

I'll throw this bill into the crime prevention bill. Let's face it. I promise that this firearm, this pellet gun that I'm going to buy is not going to be used for an unlawful purpose. Please. If I'm really intent on using it as a fake gun to rob a bank, I'm going to do that. But its purpose is to provide some controls over who acquires these guns and at least some record of who purchases them.

Maybe this very much should go to committee, but maybe this government, when we come back in—are we coming back in 2001, 2002? Whenever we come back, maybe this government should lay out on the table in a broad-based committee process the whole range of community safety efforts that have been offered up by government members, of course, by ministers, by Liberal members and by New Democratic Party members, and sit down and do some comprehensive, tripartite discussion about truly building safer communities. This government has acquired a real reputation of using law and order, community safety, victims' rights for political purposes, and that's made a lot of people really distrustful, cynical, because they know they're being used. Their fears of being victimized are being exploited.

As was pointed out yesterday, all the so-called law and order agenda to date didn't protect Ms Hadley, and that's the point. It's one thing to grab headlines and exploit the phenomenon of youth crime, the fear of youth crime and the repugnance we have towards it, and to talk about being tough on criminals, but it's quite another to truly work together to build safer communities to avoid people becoming victims in the first place. The committee process might be helpful.

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I join this debate on private member's Bill 67 on replica guns. As the member knows, our government is committed to improving public safety. However, as members also know, our government and Liberals have taken a vastly different approach to law and order. We have focused on getting more police on the streets, putting the rights of victims before those of criminals, and toughening up our laws.

The federal government, in contrast, has passed Bill C-68, the gun registration bill, which has constantly side-stepped our efforts for effective crime control. What's troubling is the federal government can't say how much their firearms registry will cost. First, they said \$85 million. They've already spent three times that amount of money, without one illegal gun being

registered or taken off the street. Some experts think this registration system will climb as high as \$500 million.

**1050**

What would that original \$85 million have bought? In answer: another 1,000 customs agents on the border. What would \$500 million buy? The equivalent of 6,000 police officers out on our streets.

I contrast these approaches to crime control. Where Liberals believe gun registration is the only answer, we advocate stronger penalties for criminals who use guns or replica guns in the commission of a crime. That's the real issue to debate today. We all know that crime, and more specifically crime involving real and realistic-looking firearms, is a problem that must be addressed. The issue is how best to address it. That's where we differ from Liberals. The most important question that has to be asked of legislation with an eye to improving public safety must be, what exactly would these requirements do?

There's no doubt police, merchants and the general public are all too aware of the tragic incidents that have occurred using phony guns. The material provided by the member for St Paul's, for example, detailed some recent events that ended in catastrophe, a situation where a man was fatally shot by police while holding a doctor hostage with a phony gun. This is a terrible incident. We've got to ask the question, what will this bill do to correct it?

Will requiring someone to fill out forms at the point of purchase for an air gun or a starter's pistol stop them from using it in a crime if they choose to commit one? Will people who want to commit crimes be buying their guns, imitation or not—do criminals buy their guns legally, anyway? I believe this bill—and it is brought forward with good intentions—misses the target. The problem is not that people out there have air guns and starter pistols. The problem is criminal use, that during a crime, police and shopkeepers can't tell the difference.

It's an issue similar to the federal gun control legislation. I know it may look good on the Toronto news—this was mentioned earlier—but when you get down to it, what will it accomplish? Having a registry for all those who have bought air guns in the last five years won't do much for the shopkeepers, the cop who is face to face with someone with a gun pointed at them with no idea whether that firearm is real or not. I think we need to be proactive on this issue with the manufacturers of real-looking firearms, in the interests of public safety. I believe guns that are not actual firearms should be easily discernible from real ones. There should be no room for error because the life of a policeman, a policewoman, a shopkeeper or a passer-by is too important. We need a change in thinking. We need to attack the root of the problem and not dance around on this issue.

The real problem here, in my opinion, is that these guns, when used in a crime, cannot be told apart from the real guns. Consequently, police have treated these guns as real and, accordingly, would react. Firearms experts I've talked to suggest things like ensuring that all air-guns, starter pistols and other real-looking firearms be made with a different shape or perhaps a different colour



from real handguns. These measures could make a difference and they would certainly let police know that a gun was not real at a quick glance. That will save lives.

I can't support this legislation today because I think there are better methods for catching criminals and registering guns, whether they are real guns or phony guns.

**Mr George Smitherman (Toronto Centre-Rosedale):** I'd like to say that it's a pleasure to join the debate, a pleasure in the sense that I'm very proud of the work that my colleague from St Paul's has done on this issue. I would say that it's a sobering issue to discuss, in particular because the incident that many people have referred to in their speeches this morning with respect to the shooting of Mr Henry Masuka in the emergency ward of St Michael's Hospital this past New Year's Eve occurred in my riding. He was a constituent of mine and his family members continue to be constituents of mine.

I've listened carefully to the debate this morning and I have been somewhat surprised—surprised that members of the government party, some of them at least, seem disinclined to support this legislation, this private member's bill by my colleague the member for St Paul's. I'm a bit surprised, and I would urge them to give some thought in the next hour or so to whether they can see clear to support this. I present the following reasons for doing so.

First, in this very Legislature, and I think most members were there on that day, the Premier of the province and their party leader, the head of their government, indicated his support for this legislation. Typically, that's enough on its own, but I won't stop there. I will remind members and those people who are watching at home that this piece of legislation, one more tool, if you will, in a toolbox on an arsenal of tools available to try and limit outbreaks of violent crime and such, has an extraordinarily broad range of support from senior law enforcement officials across the province of Ontario.

Last night I had the opportunity to attend an event with Julian Fantino, the new police chief in the city of Toronto. He's in support of this legislation. I note from earlier speeches that the police chief from Hamilton-Wentworth, one of the most significant police services in the province of Ontario, stands in support of this legislation. So I must say, historically from the government opposite we've heard members champion, if you will, the support for their legislative initiatives from those same people. Yet as they stand today in their place, they seem to paint that over. I would urge them, in the time remaining, to reconsider that.

This is not a bill that will result in making our streets safer all on its own, but it is one more piece in a very complex puzzle.

Members opposite have heard about the challenges in my own riding; many murders take place. If we can prevent any through the passage of this legislation, as police chiefs from across the province of Ontario seem to think, it's good enough for me, and I hope it's good enough for members opposite.

**The Deputy Speaker:** The member for St Paul's has two minutes to wrap up.

**Mr Bryant:** I would like to thank the members who spoke to this bill. I appreciate the member for York South-Weston, the member for Brant and the member for Toronto Centre-Rosedale going through the bill and clarifying some questions that have been raised in this House with respect to the bill.

Many thanks also to the member for London-Fanshawe and the member for Barrie-Simcoe-Bradford for raising some question and issues with respect to matters that can best be dealt with in committee, where many bills are addressed in terms of "the devil in the details." I look forward to addressing your comments in committee and making whatever changes are necessary.

Thanks also to the member for Niagara Centre for giving us a historical perspective, reminding this House that a similar bill has been before this House and has received support from all three sides, including in particular the support from Mike Harris, Dianne Cunningham and Norm Sterling. I use their names because I can't remember what their riding names were at the time they voted for that bill.

I also thank the member for Haldimand-Norfolk-Brant, who made an important distinction on this issue between the firearms registry and licensing system and this bill. They are two separate ways of approaching two separate problems.

I would also remind the members that this bill has the support of police chiefs. They say they desperately need this legislation in place to stem the tide. We have a real proliferation of these guns. As the member for Haldimand-Norfolk-Brant pointed out, you cannot distinguish these phony guns from real firearms, and that creates nightmares for police officers and it creates nightmares for victims. That's why we have to regulate these guns at least as much as we regulate the ammunition for these guns.

With the support of the police chiefs, the Premier, who I guarantee you would not be supporting the bill if there were fatal jurisdictional problems, I seek the members' support for this bill and thank you for your time.

1100

## OAK RIDGES MORAINÉ PROTECTION AND PRESERVATION ACT, 1999

### LOI DE 1999 SUR LA PROTECTION ET LA PRÉSERVATION DE LA MORAINÉ D'OAK RIDGES

Mr Colle moved second reading of the following bill:

Bill 12, An Act to protect and preserve the Oak Ridges Moraine for future generations by creating the Oak Ridges Moraine Commission / Projet de loi 12, Loi visant à protéger et à préserver la moraine d'Oak Ridges pour les générations à venir en constituant la Commission de la moraine d'Oak Ridges.

**The Deputy Speaker (Mr Bert Johnson):** The Chair recognizes the member for Eglinton-Lawrence.

**Mr Mike Colle (Eglinton-Lawrence):** This has been an interesting journey for this bill. When I first introduced it in November, at that time I certainly knew about the Oak Ridges moraine, but I have learned a great deal about it over the last eight or nine months. I've learned that this moraine, which is like a giant sponge, a giant natural filter that takes in rainwater and snow and cleans, basically, the water and stores it in giant underground ponds or aquifers that provide drinking water for over a quarter of a million people directly, and is the headwaters for over 65 rivers and streams. So almost all the rivers and streams that come through the greater Toronto area and beyond have origins in the moraine.

That's why the moraine is so important. If we protect the moraine, we protect all those rivers and streams, we protect people's well water and we also protect the water that flows downstream to Lake Ontario or upstream to Lake Simcoe. The importance of the moraine is something that I certainly have been very pleased to understand in greater depth. I thank people for doing that for me. Part of the exercise of this private member's bill is to essentially get people to understand what we do in the Legislature and how we deal with important issues. I've learned a lot by going to meetings and asking people to comment about my bill, and it's been, as I said, a very worthwhile experience.

I've asked people to come to public meetings, and we've held town hall meetings in Richmond Hill, we've been in meetings in Ballantrae, meetings in Goodwood and meetings right here in Toronto. We had the Amati Quartet and people from all over came to Toronto to talk about the importance of the moraine.

It's been a good exercise in getting people from the so-called 905 area and the people in 416 to understand that we're connected, that the water and our concern for environmental issues like our forests, our birds and our trees connect us all; that whether we live in Pefferlaw or downtown Toronto, whether we live in Swansea or in Scugog, we're all connected. That's what I've certainly learned.

I've met some very passionate people along the way. I've met Eddie Long in Caledon, who is fighting a life-and-death struggle to stop the giant Rockford quarry from destroying the Caledon area, that beautiful area of the province. I've met councillor Brenda Hogg, who's here from Richmond Hill. Councillor Hogg was the only member of Richmond Hill council who stood up to the development pressures long before it was fashionable. Now that whole council is out to protect the moraine. I want to commend people like Brenda Hogg for her efforts and thank her, and her council, now that it sees the light.

I've met Jane Underhill from King City, who is fighting the good battle to stop the sprawl in King City; Debbe Crandall from STORM; Lea Ann Mallett from Earthroots. There's Ben Kestien from Aurora, who fights a single-handed battle up there; Teresa Johnson in the

little hamlet of Goodwood. You may not know of Goodwood, but Goodwood right now sits at the highest point of the moraine. There are a couple of developers that want to put all these houses on Goodwood, a little hamlet 7 kilometres south of Gan Eden in Uxbridge. I'm sad to say that, as much as Uxbridge council has done something positive to stop the Gan Eden development, I heard that Uxbridge council is supporting the development of homes down in Goodwood.

That, again, shows directly that we need more than just local councils or regional councils to protect the moraine. We need a comprehensive plan that the province puts in place whereby there are guidelines right across the moraine. Remember, people sometimes think the moraine is just Richmond Hill. It is not. That is just 1% of it. It stretches all the way to the headwaters of the Trent River in the Peterborough area, to Peel. It goes from Caledon to Cobourg. It's over 160 km long. Here's the map. I know I'm not supposed to use these maps, but the moraine is very long, from Peterborough to Peel, and it provides water to Lake Ontario and to Lake Simcoe. So it's a long stretch; it's not just that 1% in Richmond Hill. That's why my bill calls for a protective plan under a stewardship body that takes care of the moraine to ensure that whatever local councils or regional councils do, they are a part of and complementary to this plan.

This is modelled after a very successful plan that the Bill Davis government introduced in the early 1970s, the Niagara Escarpment Commission plan, which has been recognized internationally as a great success. As you know, even the United Nations has said that that piece of legislation introduced by the Conservative government back in the 1970s has protected one of the most genuine natural masterpieces that we have in all of Canada, the Niagara Escarpment. People who live along the escarpment have grown to appreciate it and thank the government of that day for doing the right thing. It's not perfect, but it's a plan that has worked.

There are some very dedicated people who work on the Niagara Escarpment Commission. Their work could be enhanced by expanding what they did easterly across the moraine and having a similar plan. That's what I'm asking for, to look at establishing a protective plan whereby we will do the same thing as in the escarpment, and maybe even do it better, in the moraine.

It's undoubtedly the thing to do, because there's unanimity on this: 465 scientists from all over North America said you must freeze development on the moraine and put in a protective plan. We've got regional councils in Peel and Durham; they want to protect the plan. Local councils want to protect the plan; ratepayer groups like the Jefferson Forest ratepayer group; all across, they are in unanimity. They want to protect the plan, and then they can have rules and guidelines. Right now, there are basically no rules and guidelines. The old 1991 guidelines are inadequate.

We need updated planning protection for the moraine, because right now, sad to say again, it's the Ontario Municipal Board that is going to decide the future of the



drinking water for over four million people and the future of the Oak Ridges moraine. That is not right. That's why many people have called into question the function of the Ontario Municipal Board.

The other day we heard that there was going to be \$10,000 spent on photocopying submissions to the OMB hearings on Richmond Hill. The Ontario Municipal Board has become basically a money pit and a pension source for highly paid Bay Street lawyers and for highly paid consultants. The OMB should not be deciding the future of our fish, our wildlife and our communities. That should be done by a provincial government in conjunction with local municipalities.

This unelected, unaccountable body now is in charge of protecting over 150 species of birds and our drinking water. They can't do it. It is so expensive and so unacceptable from a planning perspective that this body of one or two people makes this type of decision. We've got to stop letting the OMB do the dirty work of the government. They were not intended to do that. The government's job is to protect the moraine. So far, we've had no protective plan, no direction from this government in terms of what municipalities should do.

We need a strong, complete, total plan that not only protects, as I said, the middle corridor, but protects everybody and all the communities of the moraine and protects the drinking water, the old-growth forest, the kettle lakes and the Caledon Hills. We've got everything happening up there. It's not only water extraction; it's not only the destruction of wetlands. We've got these giant quarries now being proposed up in Caledon. We've got extraction of sand and gravel. Everything is happening in a haphazard fashion.

You're very fond of protecting agricultural land, Mr Speaker. We're about to lose 200,000 hectares of prime agricultural land by this urban sprawl. That is not good economically or environmentally.

I ask members of all sides to let this bill go forward like the Shelley Martel bill did. Let it go to committee and let's work out a plan together, because people from all political walks of life are now supportive of a protective plan. They want action on the moraine. So let's do it together, and this bill could be part of the answer.

1110

**The Deputy Speaker:** I just wanted to introduce to the Legislature, in the west public gallery, the grades 4 and 5 classes of Mr Woods and Mrs Lil Henry from Wallace public school in beautiful uptown Gowanstown, Ontario. Welcome to the Legislature this morning.

Further debate?

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I'm assisting the MPP for Carleton-Gloucester, Brian Coburn, the parliamentary assistant for municipal affairs, on this Bill 12. He can't be here this morning. I can say, as parliamentary assistant to the environment minister, that we believe it is very important to protect the environmental interests related to the Oak Ridges moraine. The moraine has a significant importance with regard to hydrogeology, terrestrial features and linkages for much

of the area across the GTA, and we all hold this in very high regard.

As members know, the moraine is described as the rain barrel of southern Ontario. It is a ridge of crushed rock, sand and clay stretching 160 kilometres from the Niagara Escarpment in the west to Cobourg in the east. As many as 65 watercourses run from the moraine to recharge major bodies of water such as Lake Simcoe, Lake Ontario and Georgian Bay. In the GTA, its underground streams feed 30 rivers, including the Don, the Humber and the Rouge rivers, which in turn recharge Lake Ontario, where much of greater Toronto gets its water. The moraine is the source of drinking water, in fact, for about a quarter of a million people, and this importance cannot be overstated.

It's home to the greatest concentration of forests, wetlands, kettle lakes and wildlife habitat in the GTA, and there's no question that the moraine is a significant environmental area that needs careful planning to manage and protect. Certainly much thought is needed before decisions are made regarding an area as significant as this, and the people making those decisions must take into account the environmental impact of development. Our government is committed to a balance between environmental and economic interests on the moraine, and we believe a balance will be achieved through Ontario's land use planning process, a process already in place.

It's important to note the long history of involvement by all levels of government with this moraine, the studies that have been done and their conclusions, and it's important to rely on what works and to keep a level head to best provide the balanced approach needed when dealing with contentious issues like this one.

This bill is modelled after the Niagara Escarpment Planning and Development Act. That's a drawback that adds a whole other level of bureaucracy and one reason I will not support this bill.

In the late 1980s, an ecological green space strategy recommended the establishment of a green space framework for the GTA made up of the Niagara Escarpment, the Lake Ontario waterfront and the river valleys running north from Lake Ontario and running north from the Oak Ridges moraine. At that time the moraine was not protected by either legislation or planning controls.

In 1991 the NDP government pursued the recommendations of the report, declaring the Oak Ridges moraine to be an area of provincial interest. The NDP government released their report entitled *Implementation Guidelines: Provincial Interest on the Oak Ridges Moraine of the Greater Toronto Area* to review development and land-use change applications. Those 1991 guidelines have eight key principles which help determine whether development should be allowed:

- (1) Prohibit development in significant natural areas.
- (2) Resist scattered development.
- (3) Encourage maintaining or enhancing ecological integrity.
- (4) Encourage landform conservation.

(5) Encourage the protection and management of woodlands.

(6) Prohibit unacceptable development in and around watercourses and lakes.

(7) Restrict expansion of settlements on to highly permeable soils.

(8) Prohibit development that has an unacceptable impact on groundwater.

These 1991 Oak Ridges moraine implementation guidelines and provincial policy statement set out the direction for both regional and local governments when they make decisions on planning documents and development proposals for the moraine. They provide sufficient protection against any development that would endanger the moraine. These tools have been used. I commend the initiative of York, Durham and Peel for working together to develop a coordinated strategy to protect the Oak Ridges moraine, as well as incorporating the 1991 guidelines into their official plans. These regions are using the tools provided and do not require the province to mandate their affairs.

Ontario's planning process provides the tools needed for the protection of the moraine. The Planning Act sets out provincial and municipal roles and responsibilities. These guidelines, if used properly, can protect the moraine. Local councils do have tools and powers to protect the moraine. We need all partners to work together on a balanced approach, as I've indicated, to ensure the moraine remains the important environmental feature that is so important for Ontario today.

**Mr James J. Bradley (St Catharines):** I want to commend my colleague Mike Colle for bringing forward this particular bill, because I think it's extremely timely. He has been on a crusade for the last few years to save the Oak Ridges moraine from the kind of development which I think would be extremely detrimental in terms of quality of life and certainly in terms of the environment for the area.

We have had unfortunate circumstances arise in the town of Walkerton, we have heard of water quality and drinking water safety issues emerging in communities across the province, and here is an opportunity that we have, as legislators, through the approval of the bill by the member for Eglinton-Lawrence, to take some preventive action. Instead of scrambling now to meet an immediate need out there, a crisis situation, the member for Eglinton-Lawrence is allowing us an opportunity to take the kind of preventive measures which will help to maintain the quality of water for so many communities, because as most people who are familiar with the issue understand, the headwaters of rivers and streams that feed into several communities are located along the Oak Ridges moraine and therefore it is deserving of preservation.

We have those opportunities. The problem is that if we allow the paving over of this land, it is virtually lost forever. It's similar to wonderful farmland in various parts of the province that we see now being paved over very rapidly. It's unlikely we're going to take the build-

ings off that farmland and reintroduce it as farmland, so it's something that is lost forever. That's why the decision is extremely important now.

There's always the issue of development versus conservation. My concern is that financial interests sometimes play a role which is far too strong in development. In other words, large contributions by developers to the party in power may tend to influence the decision to such an extent that there's a decision made to proceed with widespread development as opposed to retaining the natural sites that we have at this time.

I think the province of Ontario has a significant role to play. To force local municipalities to deal with this of their own volition is very difficult. To leave it to the Ontario Municipal Board, which is an appointed body, stacked in recent years with friends of the government of the Conservative Party, I think is unfortunate. Frankly, when you have a party in power, you're going to have that party appointing people to the board, and you would think they might reflect the views of the party in power.

My concern is that the province make a profound statement. I believe the Niagara Escarpment Commission has been a good tool in preserving the Niagara Escarpment. A recent decision was made, in fact by cabinet, dealing with the Niagara Escarpment Commission, which was a preservationist decision, and I approve of that decision. If the government takes flak for it, I approve of that particular decision. Whether the situation in Walkerton influenced it or not I have no idea, but we are all more acutely aware today of the environmental implications of various decisions that we make.

1120

A commission which would have the power to control development on the Oak Ridges moraine would be extremely beneficial. I don't think the present Planning Act in Ontario, which has been weakened considerably since the new government came into office, is necessarily the tool. I don't think the teeth are in that act that were there previously, and I would like to see that Planning Act strengthened considerably to preserve its environmental components and its agricultural components the way we believe it should be.

We have an opportunity this morning to support a bill by Mike Colle, the member for Eglinton-Lawrence, which will have the effect of preserving the Oak Ridges moraine, a wonderful natural area in this province, and I want to indicate my very strong support for that legislation.

**Ms Marilyn Churley (Broadview-Greenwood):** Here we are again talking about a bill to protect the Oak Ridges moraine. You will recall that recently I stood in this House with Shelley Martel and put forward a bill on saving the Oak Ridges moraine, and indeed not just saving the Oak Ridges moraine but bringing the green back into the Planning Act, which had been done when we were in government.

People will recall—and I know the Tories, who were then the third party, didn't support or approve of what we were doing—that we had John Sewell and others go out



and criss-cross the province for about two years, I believe, and come up with recommendations. They even came in under budget. They came in on time and under budget, which is usually unheard of for commissions and committees of this place. It actually was a balanced Planning Act, but it had very strong—and I consider having strong green components, environmental protection components to a Planning Act as balanced. Of course, before this act came into being, the act was not balanced at all because it didn't take the environment much into account.

When the Tory government came into power, not surprisingly—and they warned they would do this—they repealed that act, not only went back to the previous Planning Act that was on the books before that but even brought in some more regressive parts to the Planning Act.

That bill passed, and I thank the two Tory colleagues who were very brave and, I believe, genuinely supported Shelley's and my bill, who came in and voted for it. I would certainly like to thank Mike Colle and almost the entire Liberal caucus for coming in that morning. I know how difficult it is to round up people on Thursday mornings, as whip of my little party here. To round up enough people to come in and actually attempt to win votes here is very difficult, and I just want to express once again my gratitude for the co-operation here on this issue.

As I've said before, this is one of those issues, of which I think there are very few, where we try to work together in a non-partisan way. I certainly know that Mike and I have been able to do that in terms of keeping the interest of saving the Oak Ridges moraine at the forefront and not scoring political points on this. In that vein, I want to commend Mike Colle for all his tremendously hard work on this issue over the past couple of years and to thank him again for the support of Shelley Martel's and my bill that passed just recently.

The bill that's before us today I very strongly support. I see it as complementary to Shelley Martel's bill on the Oak Ridges moraine. It does some different things. Taken together, I really want the two of those bills to go to committee, and as quickly as possible, because there are OMB hearings going on. We need to get these bills before a committee so that we can discuss them. I know there were certain components that government members said they could not support in my bill—I believe it was an excuse; I'm not so sure it would have been supported anyway—because mine went too far in terms of not just protecting the Oak Ridges moraine but as well delving into the bigger issue, and that is putting environmental protection back into the Planning Act.

Let me say, if that Planning Act were still on the books today, we wouldn't be in this terrible mess that we are now in the Oak Ridges moraine, because the wording in that bill would have automatically prevented most—not all, but a good deal—of the development that's going on or proposed in the Oak Ridges moraine area from ever being considered. So it's too bad that Planning Act was

thrown out. I think it's really important that the government take another look at that act through the committee hearings on both Mike Colle's bill and Shelley Martel's bill, so we can have a good discussion.

I've also said that right now the foremost issue before us is protecting the Oak Ridges moraine. For the government members who said they couldn't support my bill because it went too far in terms of delving into larger provincial planning, I'm willing to sit down at committee and make amendments to the bill. I would be disappointed, because I believe that the Oak Ridges moraine problem is going to become an issue clear across the province and, on a smaller scale, it already is. We know of areas where developers are bypassing the municipalities completely now and going straight to the OMB.

I would urge members today to support this bill. I heard one of the government members say that he wouldn't. I hope that at the end of this debate he will change his mind. Mike Colle's bill sets up a structure that's almost identical to the Niagara Escarpment Commission to govern planning on the Oak Ridges moraine. It has 17 members appointed by cabinet. The purpose of the act is, "to provide for the maintenance of the Oak Ridges moraine and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment." The act provides a list of more detailed environmental and planning objectives, which I won't go into now because I don't have time.

The commission and all other bodies would be bound by the Oak Ridges Moraine plan, which would be developed by the commission after extensive public consultations and approved by cabinet. The plan would go through a formal review every five years. The Oak Ridges Moraine Commission would hear requests for a plan amendment and cabinet would have the final say over these. The commission has expropriation powers.

Who could argue with that? I believe Mr Colle took into account when he was constructing this bill that the government would want to have input in terms of appointments to the commission, final say; all that's built into the bill. I can't understand why government members would not support this today.

We know the bill is very strongly supported by the Oak Ridges moraine activists, the people who live in the area and the people who live in surrounding areas, because of the issues that have been raised. This is an issue of importance to those of us who live in Toronto as well because, as has been said before, the headwaters flow into Lake Ontario and Lake Simcoe. It has a profound effect on drinking water and our water quality in a huge area. I can't understand why the government members—and I hope others will speak in support of it today—would not support this bill and allow my bill—I keep saying "my bill." Actually Shelley Martel, in partnership with me, presented this bill before the House and we were very grateful and happy that it passed that day.

1130

We need this bill to pass as well today. Now that we have one Oak Ridges moraine bill on the books and it's going to committee, it would be silly to just have that one go to committee, when we have another one before us today which takes on a whole other aspect of what can be done to save the Oak Ridges moraine. I would really not want to go to committee with just my bill when we've got this other really good bill on the books. My bill—Shelley's bill; I've got to stop saying that, because it's Shelley Martel's private member's bill—requires a freeze on the Oak Ridges moraine until certain planning details are worked out. I still think that is a very important step here. I am still calling on the government to do that because the moraine has not been saved.

The Minister of Municipal Affairs and Housing says he's putting forward a progressive position at the OMB. He's fully prepared to go to the OMB to decide on the future of the moraine, when he can do it himself. It's very frustrating knowing that the minister can step in any time and put a freeze on development in the area until we have a plan worked out. The problem is—I've said this before in the House and I will say it again, and it's a very serious issue—if the OMB gives the developers the right to develop the moraine, it's game over. It's gone. It's lost. Through the minister's failure to legislate a solution to the moraine before the board rules, he will make it absolutely, totally too expensive to turn around and restrict development through subsequent legislation. That's because he will then be taking away the existing rights from developers. They will be able to make a very strong case to the courts that they should be compensated at the highest and best use.

We had a planner, I believe it was a planner from the Richmond Hill area, say that just for the 1% in that area alone, if the OMB should rule in favour of the developers, it would cost at least \$1 billion for the government to expropriate that land and take it back to protect it. That's just talking about Richmond Hill. This is going on all over the Oak Ridges moraine area. It's hard to imagine how much it would actually cost for the government then, after the horses are out and the barn door is closed, to try to protect the Oak Ridges moraine.

The minister still has an opportunity to step in and freeze development. Here's what I would propose today. I hear government members say that they are committed to protecting the Oak Ridges moraine. I hear government members say that the Planning Act gives the municipalities tools in order to do that. The problem is, that isn't so. The really strong, concrete tools that were in that toolbox under the NDP Planning Act have been taken away. It makes it a lot harder for municipalities to now say no to developers based on existing legislation, because of the change in wording within the Planning Act. It makes it harder for the OMB to take the Planning Act as seriously, in terms of preservation of environmentally sensitive land, because of critical changes in the wording in the Planning Act. Those tools have been taken away.

I know Mr Gilchrist likes to say that at the end of the day the developers and/or the communities, the proponents before the OMB, used to be able to apply to cabinet for an appeal and that the NDP took that away. That's quite correct. I know from my experience in government that a cabinet rarely, if ever, overturns complex decisions made by a body that took days and sometimes months of hearings and evidence. The other problem is, it can work both ways. The developers, if they didn't like it—and that's what I really worry about with this government—could come and appeal to the cabinet. A positive decision for the Oak Ridges moraine made by the OMB could be as well overturned by cabinet. If you have a strong Planning Act in place—which was in place—in fact you don't need to have that appeal to cabinet.

But here we are now and we're going to vote at 12 o'clock on this bill. I would suggest two things today: that we all continue to urge, and the minister can do it, the Minister of Municipal Affairs to freeze development now until we have a proper plan in place. Much of that work was done when the NDP was in government. It would need some more consultation and fine-tuning, but it's mostly done. The second thing is to support Mike Colle's bill today and immediately, over the summer, go to the general government committee. This bill today should be referred to that committee as well. Both bills should go together to that committee over the summer. We should see what amendments are made and work together to come up with a positive solution to save the Oak Ridges Moraine.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm certainly pleased to join in the debate with respect to the private member's bill put forth by the member for Eglinton-Lawrence.

Essentially the bill will not stop development on the Oak Ridges moraine. It's very similar to the piece of legislation brought forth earlier with respect to freezing the Oak Ridges moraine in terms of development. It wasn't to stop development. What we're dealing with here is a method to deal with development on the Oak Ridges moraine. Let's make very clear what we're dealing with here with respect to this bill and the previous bill that was trying to freeze. There still will be development on the Oak Ridges moraine, whether this particular bill reaches law or whether there is a freeze put in place.

The debate focuses on the question: Does a commission improve on the current process? What is being proposed is the setting up of an authority known as the Oak Ridges Moraine Commission to oversee planning and development on the Oak Ridges moraine, aiding local and regional municipalities in their efforts to support sustainable development. The intent is clear that there's going to be development on the Oak Ridges Moraine through this commission in conjunction with local municipalities.

Second, it requires the aforementioned commission to prepare a plan—the Oak Ridges Moraine plan—in consultation with local municipalities and the public.



Finally, it provides for an ongoing protective planning stewardship that will ensure the natural integrity of the moraine from Caledon to Cobourg.

What's the current process in comparison to what the member is trying to put forth? The current process that has been put in place is that in 1991 the NDP government pursued the recommendations of the Kanter report by declaring the Oak Ridges moraine to be an area of provincial interest and released implementation guidelines: "Provincial interests on the Oak Ridges moraine of the greater Toronto area: to review development and land use applications." The guidelines set out 18 principles that effectively deal with protecting the environment and ensuring there's sustainable development, properly planned.

The 1991 Oak Ridges moraine implementation guidelines in the provincial policy statement set out the direction for regional and local governments when they make decisions on planning documents and developmental proposals on the moraine. Let's keep it clear that the regional government and the local government have a process in place which deals with planning in their respective areas and with getting public input. That process has always been in place.

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What it led to was that York, Durham and Peel worked together to develop a coordinated strategy to protect the Oak Ridges moraine as well as incorporating the 1991 guidelines into their official plans. They already have official plans as to how they're going to deal with the Oak Ridges moraine. That process has already been done. Anyone who knows municipal law knows that before an official plan can be passed into law, it has already had extensive public input, in dealing with an official plan. As a former councillor for the city of Barrie, I know the process, and I know the public has a strong say and interest in official plans.

What has been put in place is provincial guidelines and official plans that deal with those provincial guidelines and follow them through in terms of protecting the moraine, protecting the environmental interests, the natural resources and dealing with development. There is nothing different here than what the commission would do.

The member for St Catharines puts it succinctly because he doesn't trust the Ontario Municipal Board. The last time we were dealing with freezing development, the member from Eglinton-Lawrence viciously attacked the OMB. What is the Ontario Municipal Board? It's an independent decision-making body, similar to the Ontario Labour Relations Board, and it has appointees. Just like the court system has appointees, the OMB has appointees. No one has ever said you can't trust the judges who have been appointed to the courts. No one has ever said that. Whenever someone says, "Make them accountable," they say, "You can't interfere with the independent decision-making of our judges." The same attack is being made here. The Ontario Municipal Board was put in place to protect municipalities and their constituents.

**Mr Colle:** That's a farce.

**Mr Tascona:** The member across says it's a farce. What does he know? It's so negative in terms of an independent decision-making process. He attacks the very process that would protect individuals against municipalities in terms of decision-making they don't like. It's an appeal process that's been in place for many years. What he says is: "Let's put together a commission. Let's put together a plan. Let's get public input." It's already been done.

This is not only a silly proposal, it's also a proposal that smacks of Toronto smugness. We're dealing with it right now with the garbage issue with respect to them saying: "We don't want our garbage dealt with here. Let's put it in Vaughan." Heck, they tried to put the garbage in my riding through an incineration process when Toronto doesn't even allow incineration. That's that Toronto smugness—they know best for the rest of the province.

What is being proposed here is nothing that's not already in place. It doesn't improve on the process, and in effect it doesn't stop development on the Oak Ridges moraine. It's not intended to stop development. It just looks good, and I think it makes the member feel good because the member from Toronto feels he has an obligation to protect us from outside Toronto.

**Mr George Smitherman (Toronto Centre-Rosedale):** What a great honour to have an opportunity to follow the member from Barrie-Simcoe-Bradford, the wet blanket of the Ontario Legislature. His job, from the Tory back row, is to put down the flames, to throw water on everything that is rising up.

Today I make a prediction to all those watching and to those who are here that before the life of this government comes to an end—I mean at election time or something like that, not in a moral way in terms of their governing—they will deal with this issue.

The reason I say this is that a few weeks ago I had an opportunity in this House to present a petition from residents of Richmond Hill, and the petition looked a lot to me like a list of electors. In Richmond Hill, in the riding of Oak Ridges, a riding held by the minister responsible for time allocation and closure, Frank Klees, almost every resident, on street after street, had signed a petition calling for meaningful protection of the Oak Ridges moraine.

Let's be clear about this. All governments, of all three political parties, have moved some way towards that over time. We have a private member's bill being debated today from my colleague Mike Colle, the member for Eglinton-Lawrence; we had one a few weeks ago from the NDP, which passed; and Steve Gilchrist, a member of the governing party and a former minister, has his own bill before this House.

This is the sign of an opportunity for all parties in this House to come together and support something Ontarians want: meaningful protection of the Oak Ridges moraine. It will come. I make that prediction on the basis of those

petitions that I saw. All governments have dealt with it in some way.

The minister opposite made, with great fanfare, the front page of the *Toronto Star*. I know he hates it, but he leaked it to them. The top above-the-fold story said that he'd given advice to the Ontario Municipal Board about ways they could protect that 1% in Richmond Hill that the member for Eglinton-Lawrence referred to. This is the thin edge of the wedge. It is beginning, and we know that before very long the government will stand up and it will take responsibility for this issue and it will show leadership. It's getting there rather slowly, but the constituents in the 905, the heartland for the government, are going to force this because they are right. They brought the municipal council in Richmond Hill around. They've done that because the Richmond Hill councillors—closer to the ground, apparently, than the government—have understood that this issue will result in the election or defeat, depending on how people deal with it, of members in the next election. I applaud the efforts of my colleague to bring this meaningful protection forward.

Look at the crisis we're going through with respect to water. That's what the Oak Ridges moraine issue is all about. It's about the safety and security of fresh water and drinking supplies for millions of Ontarians.

The last member tried to play this off and tried to get sort of a Toronto take on it, because he fails to—I won't say he fails to. He chooses not to understand the complex nature of the ecosystem in the greater Toronto area and the extent to which this thing really is the rain barrel of southern Ontario—the Don River, which is the eastern boundary of my riding, on which we have worked with citizen groups, with some modest support from the city of Toronto, to bring life back to, where salmon will soon again be spawning, where wildlife has returned. The headwaters of the Don River are in the Oak Ridges moraine. That's why this issue matters to me so much as a downtown Toronto representative.

We have a historic opportunity in this House to see the fact that members from all parties have, at the very same time, introduced private members' bills that would provide more meaningful protection for the Oak Ridges moraine. All that is left, all that we go wanting for on this issue, is leadership from the government opposite. We all know the limitations of private members' hours, but we have three pieces of legislation which could be considered. The government could demonstrate leadership and show that they understand the complexity of this issue and demonstrate that they are prepared to act in a meaningful way to secure the freshwater drinking supply for the residents of the greater Toronto area from here and well into the future. That's what's at stake.

I appeal to members opposite: Support this bill and push your government to move forward with those protections.

**Mr Ted Chudleigh (Halton):** It's a pleasure to rise and enter the debate on this most important environmental topic. Certainly the three elements of our environ-

ment are extremely important to the people of Ontario and indeed the people of Canada and, by extension, the people of the world. Certainly the air we breathe is essential to the environment. We've gone a long way with the Drive Clean program in Ontario and other aspects in order to improve the air we breathe. The soil we grow our food in is another element of the environment which is extremely important. The food we grow, the food we feed to our children, is essential to a clean environment and essential for the longevity of the human race, particularly in Ontario.

I believe, however, there is no more important a compound on Earth than water. Indeed, judging by this morning's news, perhaps it's even on Mars. Astronomers were on TV on the morning news, being quite excited about having found evidence that water existed in the very recent past on the planet of Mars. Certainly on Earth, clean water is something that is essential and extremely important.

**1150**

That brings us to the Oak Ridges moraine, which was laid down during the last ice age and years later is a receptacle for the water in the north of Toronto, running that distance from Caledon to Cobourg north of the area, and is the source of so many streams that flow north and south into Lake Simcoe and Lake Ontario. I'd like to emphasize how strongly I feel about this issue, about ensuring that our environment is one that is sustainable for the future for our children and our children's children.

I believe this bill, however, is somewhat overly bureaucratic. It somewhat duplicates some of the other elements that are available in the Planning Act. Ms Martel's bill, which was introduced several weeks ago, in my opinion was a salvageable bill. It had many elements in it that would go a long way to protect the Oak Ridges moraine, and with a few amendments in committee it would have been very salvageable and would have done an excellent job. For that reason, this bill being overly bureaucratic, I will not be supporting it.

**Mr Gerry Phillips (Scarborough-Agincourt):** I just say to the government members, because I gather that the whip is on and they're going to vote against this, you do this at your own peril. I guarantee you that those of us who care about the Oak Ridges moraine, and particularly the active group that has really mobilized to save this precious historical and important part of Ontario, will never let go. In the end they will win. If you choose today to reject this, you're making a huge mistake. It will be on the record. You are on the wrong strategy. You think you can get away with leaving this to the OMB. It's not going to work. The people who know this issue see right through that. The OMB may make its decision, but whatever that is, it will not stick. The people of Ontario will not allow development on the essential portions of the Oak Ridges moraine. You might as well accept that today and vote for this bill. This bill is an important additional step in saving the Oak Ridges moraine.

I have some experience. I watched the debate around the Rouge River park. I happened to be part of it and



happened to be supportive of the group that worked to save that. This was in the mid-1980s and it was a huge success for those who care about the environment. They worked tirelessly to make certain the Rouge park was saved. The same thing is going to happen on the Oak Ridges moraine, and Ontario will not stand for you allowing development on it.

Here's what I think you think is going to happen. The OMB will make its decision. You'll say it's an independent body and so be it. People have already seen through that. They are not going to accept that. I expect Mr Gilchrist will speak shortly in favour of this proposal because he has indicated publicly his support. So I expect when I stop speaking, he will speak in favour of this and be here to vote for it. Ms Martel's bill, in conjunction with this bill and in conjunction with Mr Gilchrist's bill, forms for the government surely a solution to a significant political problem.

I will say that if the government today brings in its supporters to reject this, I guarantee you that people who are involved in this issue understand what you're trying to do, and that is, you have made some commitments, it appears, to whoever it may be not to save the moraine. You hope you can distance yourself by leaving it to the OMB. But from my experience with the Rouge Valley, I will tell you that won't happen. We only get one chance. If this decision is made wrong, we'll never get a chance to save it. That's why people mobilize. That's why people intuitively understand that. This isn't like another policy decision that you can correct five years from now. If we make a mistake on this one, it's gone. We knew that about the Niagara Escarpment decades ago and we moved to save the Niagara Escarpment. Thank goodness they had some foresight at the time. We knew that about the Rouge park a decade ago. Surely we know that today about the Oak Ridges moraine.

My colleague's bill is a sensible, reasonable position. I will look forward to Mr Tascona being at a public meeting where he reads back his Hansard and says, "No, no, I rejected it because it was too bureaucratic." I tell you, the people of Ontario, the people who care about the environment, will say, "Why in the world did you reject a sensible, reasonable decision?"

I urge the members to vote for it. As I say, the people who care about this issue will forever hold you accountable. It is a sensible, reasonable decision and one that we only get one chance to make before it's gone. I would urge the support of all members of the Legislature.

**The Deputy Speaker:** The member for Eglinton-Lawrence has two minutes to respond.

**Mr Colle:** I want to thank everybody who spoke on the bill: my esteemed colleague from St Catharines, the members for Haldimand-Norfolk, Broadview-Greenwood, Barrie-Simcoe-Bradford, Toronto Centre-Rosedale, Halton, and Mr Phillips from Scarborough.

Listen, I've worked very hard with a lot of people for the last number of months on this bill. I really take offence at the member from Barrie talking about this being a silly thing. I don't mind if you criticize me or

criticize our party politics. It just shows how low they can go. I'm not going to go there, because you don't really care about what's important. All some people on the other side care about—and I hope you're not all like that—is pleasing the people in Mike Harris's office. I'm saying to you across there, put that aside for once.

Unanimously across the moraine, in Preston Lake, in Ballantrae, in Goodwood, in Uxbridge, in Richmond Hill, in Oak Ridges, people care passionately about their community, their water, their trees, where they live and where their children are going to live. They're scared out of their wits at what's happening and they're asking you as government and us as members to do our job and protect them. There is nothing in place to protect them right now. There is nothing except this Ontario Municipal Board, which is accountable to no one and gives the public no say. The public has lost their say because they can even leapfrog over municipal councils.

Let's put partisan politics aside and protect the most precious piece of real estate we have in southern Ontario. It's our drinking water; it's our future. Don't be intimidated by the party's central headquarters. Vote your conscience for a change.

**The Deputy Speaker:** The time for private members' business has expired.

#### REPLICA FIREARMS REGULATION AND PROTECTION ACT, 2000

#### LOI DE 2000 SUR LA RÉGLEMENTATION ET LA PROTECTION À L'ÉGARD DES RÉPLIQUES D'ARMES À FEU

**The Deputy Speaker (Mr Bert Johnson):** Mr Bryant has moved second reading of Bill 67. Is it the pleasure of the House that the motion carry? It is carried.

Shall the bill be referred to the committee of the whole?

**Mr Michael Bryant (St Paul's):** I move that the bill be sent to the justice and social policy committee.

**The Deputy Speaker:** A majority of the House in favour of this being referred to the justice and social policy committee? It is agreed.

#### OAK RIDGES MORaine PROTECTION AND PRESERVATION ACT, 1999

#### LOI DE 1999 SUR LA PROTECTION ET LA PRÉSERVATION DE LA MORaine D'OAK RIDGES

**The Deputy Speaker (Mr Bert Johnson):** We will now deal with ballot item number 34.

Mr Colle has moved second reading of Bill 12. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. There will be a five-minute bell.

*The division bells rang from 1159 to 1204.*

**The Deputy Speaker:** While those tardy members are taking their seats, I'd like to address the gallery, if I could, just for a moment. We have two sets of rules in here, one for the members and one for you guests. You guests are not allowed to demonstrate or to clap and things like that. I just wanted to warn you of that because I didn't want there to be any confusion. There is a great deal of latitude allowed us as members.

Mr Colle has moved second reading of Bill 12. All those in favour will please rise.

#### Ayes

Agostino, Dominic	Curling, Alvin	Martin, Tony
Bartolucci, Rick	Di Cocco, Caroline	McGuinty, Dalton
Bisson, Gilles	Dombrowsky, Leona	McLeod, Lyn
Bountrogianni, Marie	Duncan, Dwight	Parsons, Ernie
Boyer, Claudette	Gerretsen, John	Patten, Richard
Bradley, James J.	Gravelle, Michael	Peters, Steve
Bryant, Michael	Hoy, Pat	Phillips, Gerry
Caplan, David	Kormos, Peter	Pupatello, Sandra
Christopherson, David	Kwinter, Monte	Ramsay, David
Churley, Marilyn	Lalonde, Jean-Marc	Ruprecht, Tony
Cleary, John C.	Lankin, Frances	Sergio, Mario
Colle, Mike	Levac, David	Smitherman, George
Cordiano, Joseph	Marchese, Rosario	
Crozier, Bruce	Martel, Shelley	

**The Deputy Speaker:** All those opposed will please rise.

#### Nays

Arnott, Ted	Hodgson, Chris	Runciman, Robert W.
Baird, John R.	Hudak, Tim	Sampson, Rob
Barrett, Toby	Jackson, Cameron	Snobelen, John
Chudleigh, Ted	Johns, Helen	Spina, Joseph
Clark, Brad	Klees, Frank	Sterling, Norman W.
Clement, Tony	Marland, Margaret	Stewart, R. Gary
Cunningham, Dianne	Martiniuk, Gerry	Tascona, Joseph N.
Dunlop, Garfield	Maves, Bart	Tilson, David
Ecker, Janet	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	Molinari, Tina R.	Wettlaufer, Wayne
Flaherty, Jim	Munro, Julia	Wilson, Jim
Galt, Doug	Mushinski, Marilyn	Witmer, Elizabeth
Gill, Raminder	Newman, Dan	Wood, Bob
Guzzo, Garry J.	O'Toole, John	Young, David
Hardeman, Ernie	Ouellette, Jerry J.	
Hastings, John	Palladini, Al	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 40; the nays are 46.

**The Deputy Speaker:** I declare the motion lost.

All matters of private members' business having been completed, I do now leave the chair. The House resumes at 1:30.

*The House recessed from 1208 to 1330.*

## MEMBERS' STATEMENTS

### PAUL STEINHAUER

**Mr Monte Kwinter (York Centre):** Canada has lost one of its most cherished champions of children's rights.

Dr Paul Steinhauer, eminent child psychiatrist, died of complications following surgery, at the age of 66.

A child psychiatrist for 38 years, Dr Steinhauer worked as hard for children through community work as he did through his own medical practice. His passion for the well-being of children, particularly those facing disadvantages such as poverty, led the Toronto native to launch a number of lobby groups from Voices for Children to the Sparrow Lake Alliance, a network of agencies that share a concern for child welfare.

Dr Steinhauer was a familiar figure in political circles, often submitting unsolicited new research on children's issues to policy-makers in hopes of influencing legislation or winning more money for social services.

He was a professor in the psychiatry and public health sciences department of the University of Toronto's faculty of medicine and was also a staff psychiatrist at the Hospital for Sick Children and a consultant to several children's aid organizations.

He and Dr Fraser Mustard worked closely for a number of years and were effective in convincing governments and society at large that we have to look after children early in life and promote their best interests.

Among his major accomplishments were helping to develop the family assessment measure and the parenting capacity assessment measure, guidelines which are widely used by child welfare professionals.

The passing of Dr Paul Steinhauer is a great loss for Canada and in particular for its children. His advocacy was recognized in several countries around the world, and it's not an exaggeration to say that he was a world leader in his field. He will be missed.

### NORTHUMBERLAND HEALTH CARE CENTRE

**Mr Doug Galt (Northumberland):** I rise in the House today, the last day in this session, to bring to your attention a marvellous example of our government's commitment to meet the changing health needs of the people of Ontario.

Earlier this week, the Minister of Health and Long-Term Care attended a ground-breaking ceremony for the new Northumberland Health Care Centre. This brand new hospital is scheduled to open in just a thousand days, and will provide a state-of-the-art facility for the people who reside in west Northumberland. To make this wonderful initiative a reality, the minister announced that the government is providing 70% of the funding, a total of \$38.4 million, for the construction of this new hospital.

I know that the parties across the floor will be disappointed at this news. They have been to my riding several times to interfere in the plans for this new facility. But unlike the opposition parties, this government has a positive plan to meet the changing health needs of the people of Ontario.

When this hospital opens, there will be more than 130 beds; acute, ambulatory and complex continuing care;



rehabilitation; mental health services; and a new emergency department.

With the support and commitment of this government, the people of Northumberland can look forward to the most modern, the most efficient and the most caring hospital facility of any across the province.

### GASOLINE PRICES

**Mr Bruce Crozier (Essex):** I rise today to bring to the attention of the House a marvellous bit of inaction on the part of this government. Across the province, motorists are playing a game of chance. They are driving around with almost empty tanks, hoping that gas prices will go down and praying they won't rise again before they are forced to spend their life savings to fill their tanks. This is often referred to as "running on fumes."

But they're not the only ones running on fumes. Despite the obvious problems created by gas-gouging, the only thing we get from this government is fumes. Vapour spews forth, but no action is forthcoming. The empty photo ops and impotent reports by the so-called gas-busters have done nothing to slow the pre-weekend price hikes. Experts have told us that gas prices could well be over \$1 per litre before the summer is done, and the gluttonous gas companies have done nothing to prove them wrong.

Mike Harris has tried to tell us there is nothing he can do about this situation. Well, he's wrong. Bill Davis acted, so why doesn't Mike Harris?

The reason is simple: Mike Harris is afraid to upset his business buddies. He is more concerned about the millions of dollars raised by his Tory party fundraisers than the family who has to pay the 10-cent-per-litre increase to fill the minivan the day before a long weekend.

The Premier will tell us that he understands the people who are driving around running on fumes, but he doesn't. His government is running on fumes. The gauge reads empty of action, empty of ideas and empty of leadership.

### LISA BALTICH

**Mr Peter Kormos (Niagara Centre):** For weeks now, young Lisa Baltich has lain in her hospital bed in San Francisco, California. Lisa's plight, a dramatic accident that resulted in burns to most of her body, is well known to Wellanders, and I want to make sure that the rest of the people of this province understand what has happened to this kind, beautiful young woman.

Firmly rooted in Welland, her parents have been at her bedside. Medical costs are expected to exceed \$1 million. Her parents, hard-working, good, decent people, good citizens of our community, have expended all of their modest resources and savings and are now relying upon the goodwill of their family, friends and neighbours in the community of Welland.

The Bank of Montreal has set up a trust fund and people in the community have been incredibly generous. Friends of the Baltich family are conducting a fund-

raising event this weekend. I'm going to be there. I want to make sure that as many people as possible in the Welland and Niagara area are there as well, and I invite anybody who is in the Welland area to join us on Saturday night at the Rose Villa. The business community has been very generous. We're trying to raise as much money as we can to sustain the Baltiches as they stay by their daughter's bedside and to assist them in this incredible crisis, and to pray for Lisa as she struggles for recovery.

### DURHAM COMMUNITY ACTIVITIES

**Mr John O'Toole (Durham):** I am pleased to rise today in the house to tell my colleagues about the great community spirit that's being demonstrated in my riding of Durham this summer. From June 22 to 24, the annual Fabulous Fifties returns to downtown Bowmanville; also the popular sidewalk sale and activities for children, a car show, the Little Richard pancake breakfast, a beach volleyball tournament, and the return of Elvis.

Other events in Durham include the seventh annual North Shore Fishing Derby at the Port of Newcastle Marina in Newcastle, the strawberry festival at Ted Watson Farms, the Canada Day party at the Bowmanville Museum and the annual Summer Bash at the neighbourhoods of Park Ridge in Oshawa. Community coordinator April Cullen and her organizing team have done a wonderful job. The whole family will enjoy it. I want to commend Mrs Cullen and the organizing committee for the spirit they bring to their community.

Later in August, we look forward to the annual Festival Days in Port Perry and the Blackstock Fair.

I would also like to take the opportunity to invite everyone to my riding this summer. They might also take time to enjoy the Highland Games of Durham.

They also might enjoy visiting Port Perry, Blackstock, Orono, Bowmanville and Newcastle.

In the visitors' gallery today, I am very fortunate to have guests from Blackstock, Bev Truax and her son Mitchell. Welcome to the Legislature.

### GAY PRIDE

**Mr George Smitherman (Toronto Centre-Rosedale):** I rise today to make an important announcement. I'm busting out with pride—with gay pride. In 1981, a modest group of gays and lesbians had an inaugural Toronto gay pride event that attracted hundreds of people. This Sunday, hundreds of thousands of people, gay and straight alike, will celebrate our diversity.

"Heroic Past, Proud Future" is the theme of this year's event. The theme speaks volumes about the strength the community has developed and, importantly, it speaks to the enormous optimism and capacity the dynamic gay and lesbian community has to contribute to cultural, social and economic vitality in Ontario.

Pride isn't just breaking out in Toronto. I have already attended pride events in Halton, Hamilton, Windsor and Kingston, and before the summer is out I intend to

participate in gay pride activities in Kitchener-Waterloo, London, Sarnia and Ottawa. And next year I'm planning to celebrate pride in Sudbury with that community's vibrant gay and lesbian community.

There has been a year marked by extraordinary legislative progress here in the Ontario Legislature and in Ottawa. Members should be proud of the role they have played in moving the gay and lesbian community towards equality.

I invite all members to march with me and other politicians from all walks of political life and all levels of government in the Gay Pride parade. We'll be meeting at 2:30 at the corner of Church and Bloor on Sunday, and I invite all members to attend.

1340

### ANTI-POVERTY DEMONSTRATION

**Mr David Young (Willowdale):** One short week ago today, this Legislature was attacked by professional thugs masquerading as anti-poverty activists. They came here claiming they wanted to talk—talk about serious issues, talk about poverty, talk about homelessness.

They brought with them hockey sticks, hammers, two-by-fours, Molotov cocktails, rocks, and water pistols filled with urine and bleach. People who just want to talk don't bring Molotov cocktails. And we saw that talking about poverty was the last thing on the minds of those who came to Queen's Park. For the vast majority of them, their intention was very different.

Twenty-nine police officers were injured during the ensuing battle. That is bad enough. But then some members of this House decided to add insult to injury. First, some opposition members decided to blame the police for the riot rather than lay blame where it belongs: with John Clarke's goons.

To make it even worse, it has been reported that the leader of the third party allowed fundraising in support of the OCAP thugs to go on at his convention last weekend. Our police deserve better.

**Mr Howard Hampton (Kenora-Rainy River):** On a point of order, Mr Speaker—

**The Speaker (Hon Gary Carr):** The member take his seat. Point of order? Leader of the third party.

**Mr Hampton:** Is the member opposite raising an allegation concerning me as a member of the Legislature?

**The Speaker:** He was.

The member, continue.

**Mr Young:** Thank you very much, Mr Speaker.

I'd like to take a moment to thank the officers of the Toronto police force and the Legislative—

**The Speaker:** Point of order?

**Mr Peter Kormos (Niagara Centre):** Speaker, with respect, I have some great concern. I say to you this is a point of order.

I listened to Mr Gill on the Coren show last night. There appears to be an orchestrated effort—I heard Mr Gill last night; I hear this member today—to suggest that

the New Democratic Party finances OCAP. I say to you that is a point of order, because if it had happened only once by one Conservative member, it would be an accident or a misinterpretation. When it has happened twice, I sense some effort here to create some sort of smear that I find entirely inappropriate.

**The Speaker:** It's not a point of order.

*Interjections.*

**The Speaker:** Order. The member take his seat, please. I appreciate that we're getting down to the end of a session and it would be helpful—the member's time is up. We can move on to another one. I'm not going to entertain any points of order on this issue.

**Mr Young:** Mr Speaker, on a different point of order: Given the interruptions during my statement, I would request a further 20 seconds to complete my statement.

**The Speaker:** I'll ask for unanimous consent. Is there unanimous consent? No. I'm sorry, we didn't get it.

I think this is probably the first point of order we've had through members' statements. I hope it won't happen—he was almost down to the end.

I regret that the member didn't get a chance to finish that point of order.

*Interjections.*

**The Speaker:** Wait till I'm finished, please, if you'll be so kind.

In circumstances like this, we usually don't have that, and I will say it's the same with question period. I will have to be very quick to get up on points of order. Most members are very good with members' statements; we don't get into points of order, just like in question period.

Having said that, there isn't anything stopping any members. But what does happen is that if it starts with one side, it starts from both sides. Members' statements historically have been an opportunity for non-partisan discussions of issues, and we would like to be able to maintain that and not get into points of order.

*Interjection.*

**The Speaker:** Order when I'm doing a ruling. I appreciate it. Member for Brampton Centre, come to order.

It's different from heckling when you're doing it with another member. I'm trying to explain to the House what is happening. In situations like this, when you have about 20 seconds, it makes it very difficult. I apologize to the member, but there is not time up on that.

I'll say this: One more point of order, and I'll be very quick, because if you're not going to get it out of your mouth, if in fact it relates to the same point of order—I will give you the opportunity because all members are honourable, and I'll take the point of order very quickly. I will be up very quickly if it relates to the same point of order.

The member for Bramalea-Gore-Malton-Springdale.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Mr Speaker, I want to say for the record that I said no such thing, and I'll be very happy to prove that.

**The Speaker:** Order. Take your seat.

Members' statements.



## RAVES

**Mrs Sandra Pupatello (Windsor West):** Several weeks ago the jury for the inquest of Allan Ho reported several recommendations—19—none of which the provincial government has acted on yet. One of those was that they pass the rave bill into law. That was my private member's bill, debated in this House early in May. It received second reading and it was sent to committee. I'm very disappointed to report that the committee will not be holding hearings on this bill this summer. We expected this to be law before the House rose at the end of the day today.

What is most disconcerting is that we are now in a season where we will have more and more raves without regulation, illegal raves, throughout Ontario. These raves have led to deaths in the past, deaths of young people right here in Ontario. This government has the opportunity to do something about that and they have elected to do nothing. I'm very disappointed in the Ministry of the Solicitor General, the Ministry of Consumer and Commercial Relations, the Ministry of Health, all of these organizations that have the wherewithal to have brought in regulations to bring in safe raves in Ontario. Municipalities asked you for this as early as the middle of March. They came forward with recommendations as to the tools they needed to make raves a safe place for young people. I'm very disappointed in this government. One death this coming summer will be at the feet of this government.

## TAXATION

**Mrs Julia Munro (York North):** Every year around this time, we hear about tax freedom day, the day when people stop working for the government and start working for themselves—a day, I might add, which occurs substantially earlier since this government came to office.

However, I would like to talk about tax freedom day in one particular municipality. Many of the members in this House will remember the petitions that were presented here, circulated by the citizens of Flamborough, complaining about the Ted tax. Residents of that municipality, led by Ted the taxman, were upset because he chose not to lower taxes by passing on the savings that occurred due to this government's policies. That's not just my opinion. The region of Hamilton-Wentworth confirmed it at the time and the local newspaper, the Flamborough Review, ran a headline saying "Council Spends Almost \$1.4 Million in Buying Spree." This is the real story about what is happening in Wentworth-Burlington and particularly in Flamborough. When faced with the real option of giving honest, hard-working taxpayers a 5% break on their taxes, Ted chose not to.

Who is responsible? None other than Ted McMeekin, Dalton McGuinty's Liberal candidate in the upcoming byelection. It is another example of tax-and-spend Liberals who just don't get it when dealing with taxpayers' money.

## LEGISLATIVE PAGES

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Mr Speaker, on a point of order: I'd like to recognize in the east members' gallery the parents of page Melissa Martin, Mr and Mrs Neil Martin, and their young daughter. I'm very happy for them to be here and would like to thank all the pages for all members.

**The Speaker (Hon Gary Carr):** I was going to thank all the pages a little bit later, just before question period, but since we have done that, I will do that now. Maybe all the members could join. As you know, this will be the last day for our wonderful group of pages. I know all their parents are proud.

Might I add, to the parents who are here and those who are watching, they and all their families can be very proud of the group we have here. They were an excellent group of pages. On behalf of all members, we wish them all the best in their endeavours. Thanks to each and every one of them.

**Ms Marilyn Churley (Broadview-Greenwood):** Mr Speaker, on a point of order: I just got some rather disturbing news. I just heard that the Russian MOX may be flown by helicopter to Chalk River today, and I'm asking for unanimous consent to have an emergency debate about this and the government's role in it.

**The Speaker:** Is there unanimous consent? I heard a no, unfortunately. The member may want to bring this up at question period, but I do thank her for that.

## REPORTS BY COMMITTEES

STANDING COMMITTEE ON  
PUBLIC ACCOUNTS

Mr Gerretsen from the standing committee on public accounts presented the committee's report on provincial personal income tax revenue and related credits and reductions and moved the adoption of its recommendations.

**The Speaker (Hon Gary Carr):** Does the member wish to make a brief statement?

**Mr John Gerretsen (Kingston and the Islands):** I would like to first of all thank all the committee members. This was another unanimous report issued by the committee. I thank all the people who were involved in producing the report, including our Provincial Auditor, Erik Peters, and his staff; our legislative researcher, Ray McLellan; and our clerks, Donna Bryce and Doug Arnott.

There are three recommendations in the report, and they are as a result of public hearings that were held earlier this year. It basically requests that the payment flows with respect to our income tax revenue from the federal government be made on a more timely basis, based on actual cash flows, than is currently the case.

**The Speaker:** Mr Gerretsen moves adjournment of the debate. Is it the pleasure of the House that the motion carry? Carried.

**Mrs Sandra Pupatello (Windsor West):** On a point of order, Mr Speaker: I would like to ask the House for unanimous consent to pass the Raves Act, 2000, through third reading.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

1350

## INTRODUCTION OF BILLS

### FIREFIGHTERS' MEMORIAL DAY ACT, 2000

#### LOI DE 2000 SUR LE JOUR DE COMMÉMORATION DES POMPIERS

Mr Levac moved first reading of the following bill:

Bill 107, An Act to proclaim Firefighters' Memorial Day / Projet de loi 107, Loi proclamant le Jour de commémoration des pompiers.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

**Mr Dave Levac (Brant):** This bill proclaims the first Sunday of October in each year as Firefighters' Memorial Day. Firefighting is known as one of the most dangerous professions. Firefighters work daily on behalf of the people of the province of Ontario taking extraordinary risks. I would also say that this day will provide an opportunity for all Ontarians to honour and recognize the important contributions these people make and have made in preserving our safety and well-being.

That explanation was longer than the bill. I thought I'd bring that to the attention of the members.

### ADOPTION DISCLOSURE STATUTE LAW AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT DES LOIS EN CE QUI CONCERNE LA DIVULGATION DE RENSEIGNEMENTS SUR LES ADOPTIONS

Ms Churley moved first reading of the following bill:

Bill 108, An Act to amend the Vital Statistics Act and the Child and Family Services Act in respect of Adoption Disclosure / Projet de loi 108, Loi modifiant la Loi sur les statistiques de l'état civil et la Loi sur les services à l'enfance et à la famille en ce qui concerne la divulgation de renseignements sur les adoptions.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

The member for a short statement.

**Ms Marilyn Churley (Broadview-Greenwood):**

First of all, I'd like to say that in the gallery are many people from the Coalition for Open Adoption Records. I'm pleased that they are here today. They've worked very hard on this issue for many years.

The Adoption Disclosure Statute Law Amendment Act, 2000, would provide access to birth registration and adoption records for adult adoptees, provide access to birth registration and adoption records for birth parents, implement a no-contact notice, and amend the Child and Family Services Act to provide, on request, counselling for adopted persons, birth parents and others who may be affected by disclosure of adoption information.

I urge all members to support this bill.

**Mr Dave Levac (Brant):** On a point of order, Speaker: Given the bill I introduced regarding Firefighters' Memorial Day, I would seek unanimous consent of the House to proceed to second and third readings for this very important bill.

**The Speaker:** Is there unanimous consent? I heard some noes.

### NURSING HOMES MANDATORY ANNUAL INSPECTION ACT, 2000

#### LOI DE 2000 SUR L'INSPECTION ANNUELLE OBLIGATOIRE DES MAISONS DE SOINS INFIRMIERS

Ms Lankin moved first reading of the following bill:

Bill 109, An Act to amend the Nursing Homes Act to require annual inspections / Projet de loi 109, Loi modifiant la Loi sur les maisons de soins infirmiers pour qu'elle exige des inspections annuelles.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members; this will be a five-minute bell.

*The division bells rang from 1356 to 1401.*

**The Speaker:** Would the members kindly take their seats.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

#### Ayes

Agostino, Dominic	Curling, Alvin	Levac, David
Bisson, Gilles	Di Cocco, Caroline	Marchese, Rosario
Bountrogianni, Marie	Duncan, Dwight	Martel, Shelley
Boyer, Claudette	Gerretsen, John	Martin, Tony
Bradley, James J.	Gravelle, Michael	McGuinty, Dalton
Bryant, Michael	Hampton, Howard	McLeod, Lyn
Caplan, David	Hoy, Pat	Peters, Steve
Christopherson, David	Kennedy, Gerard	Phillips, Gerry
Churley, Marilyn	Kormos, Peter	Pupatello, Sandra
Cleary, John C.	Kwinter, Monte	Ruprecht, Tony
Cordiano, Joseph	Lalonde, Jean-Marc	Sergio, Mario
Crozier, Bruce	Lankin, Frances	Smitherman, George



**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 36; the nays are zero.

**The Speaker:** I declare the motion carried.

The member for a short statement.

**Ms Lankin:** This bill is pretty simple. It reads, "The minister shall ensure that every nursing home is inspected by an inspector at least once every calendar year to determine whether there is compliance with this act and the regulations and with the applicable licence and service agreements."

We have been waiting now for over two months for a report from the minister to even tell us how many nursing homes weren't inspected. We were promised that within three weeks of when I raised this issue in the House. It is, at this point in time, apparent to me that we need this clarity in the legislation.

Given the simplicity of it, I would ask at this point in time for unanimous consent; there's no opposition. Let's get second and third reading done right now.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

**Mr James J. Bradley (St Catharines):** On a point of order, Mr Speaker: Since the government House leader is in such a magnanimous mood this afternoon, I would like to ask for unanimous consent for second and third readings of Bill 16, An Act respecting the price of gasoline.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

#### PROFESSIONAL FORESTERS ACT, 2000

##### LOI DE 2000 SUR LES FORESTIERS PROFESSIONNELS

Mr Gilchrist moved first reading of the following bill:

Bill 110, An Act respecting the regulation of the practice of Professional Forestry / Projet de loi 110, Loi concernant la réglementation de l'exercice de la profession de forestier.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Steve Gilchrist (Scarborough East):** This bill is the product of another standing order 124 initiative within the standing committee on general government. In fact, it was first brought forward in the last Parliament by Mr Ramsey, one of the Liberal members, and this time sponsored first by Mr Chudleigh, one of the members of the committee. The bill found unanimous support among the environmentalists and the representatives of the forestry industry who spoke before us. The committee has asked me to ask the three House leaders to consider giving very prompt second and third reading to this very popular and long-overdue bill.

#### BANK OF NOVA SCOTIA TRUST COMPANY ACT, 2000

Mr Mazzilli moved first reading of the following bill:

Bill Pr26, An Act respecting the Bank of Nova Scotia Trust Company and National Trust Company.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

Pursuant to standing order 86(a), this bill stands referred to the Commissioners of Estate Bills.

#### ONTARIO POLICE WEEK ACT, 2000

##### LOI DE 2000 SUR LA SEMAINE DE LA POLICE DE L'ONTARIO

Mr Dunlop moved first reading of the following bill:

Bill 111, An Act to proclaim a week of recognition for Ontario's Police Officers / Projet de loi 111, Loi proclamant une semaine de reconnaissance envers les agents de police de l'Ontario.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

**Mr Garfield Dunlop (Simcoe North):** Every resident of or visitor to Ontario has a right to personal safety. Police officers who work throughout this province take extraordinary risks in the line of duty in order to safeguard this right. The people of Ontario owe a debt of gratitude and respect to all officers for the work they do to ensure our safety.

On May 7, 2000, the first Sunday in May, the Ontario government unveiled the police memorial in tribute to the brave police officers who gave their lives in the service of the people of Ontario. The memorial keeps alive the names and memories of these fallen officers for future generations. It also serves as a symbol of the high esteem in which the people of Ontario hold police officers and their families.

Given the important contribution of police officers to the well-being of people in Ontario and the strong commitment the people of Ontario have shown to police services, it is appropriate to establish a week to honour the province's police officers and to pay tribute to them for ensuring safer communities, today and in the future.

The week shall commence on the first Sunday in May of every year in commemoration of the unveiling of the memorial and to honour those officers who have fallen in the line of duty.

McMICHAEL CANADIAN ART  
COLLECTION AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI  
SUR LA COLLECTION McMICHAEL  
D'ART CANADIEN

Mrs Johns moved first reading of the following bill:

Bill 112, An Act to amend the McMichael Canadian Art Collection Act / Projet de loi 112, Loi modifiant la Loi sur la Collection McMichael d'art canadien.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** This act is intended to return the McMichael Canadian Art Collection to its original mandate of displaying art by the Group of Seven and other artists who have contributed to the development of Canadian art. If passed, this act would honour a 35-year-old commitment to protect and secure the collection's distinct identity.

**Mr Michael Bryant (St Paul's):** Mr Speaker, given the unanimous support on second reading for Bill 67 today, the phony gun bill, given that I know the government doesn't want this bill to die a slow death on the books and given that this government knows that the phony gun issue is a serious problem, I now seek unanimous consent that the bill proceed immediately to third reading.

**The Speaker:** Is there unanimous consent? I heard some noes.

1410

ONTARIO HERITAGE  
AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI  
SUR LE PATRIMOINE DE L'ONTARIO

Mr Gilchrist moved first reading of the following bill:

Bill 113, An Act to amend the Ontario Heritage Act / Projet de loi 113, Loi modifiant la Loi sur le patrimoine de l'Ontario.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Steve Gilchrist (Scarborough East):** I'm sure this bill will find favour on both sides of the House because it amends the Ontario Heritage Act so that once a municipality in which a property is situated designates a property under the act, the owner of the property cannot demolish or remove a building or structure on the property unless the designating bylaw is repealed or the owner has obtained the written consent of the municipality before the bill is enacted. The bill removes the possibility for the owner of a heritage building to demolish or remove a building or structure on any property upon obtaining the written consent of the municipality.

VISITORS

**Mr George Smitherman (Toronto Centre-Rosedale):** Mr Speaker, on a point of order: I would like all members to join with me in welcoming a distinguished guest in the west members' gallery from Ripley, Tennessee, Mr Tim Sneed, who is the head of an organization called Justice II, which works against the death penalty in the United States.

**Hon Margaret Marland (Minister without Portfolio [Children]):** Mr Speaker, on a point of order: My point of order is also to welcome visitors in the west gallery, Mr John Salter, Ms Linda Chapman and their cousin from Mississauga. They are visiting from England.

MOTIONS

STATUS OF BILL 101

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** I move that pursuant to standing order 72(a), Bill 101 be discharged from second reading and the bill be referred to the standing committee on general government.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House—

**Mr David Christopherson (Hamilton West):** Mr Speaker, on a point of order: I was trying to follow the bill number. Did you just send it to committee or are you going to make a further motion on that in terms of the direction?

**Hon Mr Sterling:** First, I was going to discharge it, and refer it to the general government committee after first reading for hearings. This is the legislation dealing with snowmobiles and snowmobile trails.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

COMMITTEE SITTINGS

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** Mr Speaker, I ask for unanimous consent to move a motion relating to standing committees and their authorization during the summer recess.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mr Sterling:** I move that the following standing committees be authorized to meet during the summer recess:

Justice and social policy for up to two weeks, for consideration of Bill 88, An Act to promote the use of information technology in commercial and other transactions by resolving legal uncertainties and removing statutory barriers that affect electronic communication;

Public accounts for up to two days, for the purposes of drafting its report on the Provincial Auditor's report, and



that the public accounts committee be authorized to release its report during the summer recess by depositing a copy of any report with the Clerk of the Assembly, and on the first sessional day of the fall sitting of the 37th Parliament, the Chair of the committee shall bring any such reports before the House in accordance with the standing orders;

The general government committee be authorized to meet for one week during the summer recess to consider Bill 101.

**The Speaker:** Mr Sterling moves that the following standing committees be authorized to meet during—dispense?

Is it the pleasure of the House that the motion carry? Carried.

**Mr David Christopherson (Hamilton West):** On a point of order, Mr Speaker: My concern is that as a result of this last-minute change with Bill 101, the time the committee was going to spend on the Oak Ridges moraine may be blocked now. I'd like some assurance that's not going to happen. Could I seek that from the government House leader?

**The Speaker:** Government House leader, on the same point of order?

**Hon Mr Sterling:** There was no authorization for the general government committee to sit during the summer and therefore they couldn't consider any other business.

**The Speaker:** I thank the member for the clarification.

**Mr Christopherson:** If I may, then I would seek unanimous consent that we allow the committee to meet so that they can indeed hear that bill. Since we've already given them the ability to hear one important piece of business, let's let them do all the work that needs to be done. I seek unanimous consent.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

#### VISITORS

**The Speaker (Hon Gary Carr):** We have with us today, in the Speaker's gallery, Speaker Charles Perricone of Michigan. Please join me in welcoming our special guest.

#### PREMIER'S COMMENTS

**The Speaker (Hon Gary Carr):** The leader of the third party on a point of order.

**Mr Howard Hampton (Kenora-Rainy River):** I have a point of order which I believe goes to the heart of what we're all about. My point of order lies under section 23(h), (i) and (j) of the rules:

"(h) Makes allegations against another member.

"(i) Imputes false or unavowed motives ....

"(j) Charges another member with uttering a deliberate falsehood."

Yesterday I posed a series of questions to the Premier about a draft cabinet document proposing that the gov-

ernment start taking action to protect Ontario's environment. In response to my questions, the Premier said, referring to the document, and I quote, "Obviously someone made it up." He went on to say, and I'm quoting again, "Somebody somewhere ... gave you a phony-baloney document." Again, let me draw attention to his exact words, "As I've already indicated to you, you've got a phony-baloney cabinet document that somebody has given you for whatever purpose." The Premier's final assertion was, and I quote again, "The document you have is as phony as a \$3 bill."

According to the Premier's statement yesterday, the assembly should actually be asking to investigate this cabinet document to ensure it is not a false document. After the Premier made these comments and assertions, in estimates committee the Minister of the Environment was confronted with this document. The environment minister refused to let his deputy minister answer a question as to whether or not he had approved this document. When confronted with the document himself, the Minister of the Environment said it was a draft document that he hadn't seen personally. He refused to repeat the accusations of the Premier.

The seriousness of this goes to the order in this Legislature, but it also goes to something else—

#### Interjections.

**The Speaker:** Take your seat for a moment, please. Order. It's different when we're being partisan. I need to hear what the member's speaking about. I'd appreciate if the members wouldn't shout during points of order. I say to the leader of the third party that I was here and I heard what transpired, so if he could come very quickly to his point of order.

**Mr Hampton:** This goes further to the Legislative Assembly Act, which says in section 46(1) that someone can be investigated for "presenting to the assembly or to a committee thereof a forged or false document with intent to deceive the assembly or committee." In other words, this is a very serious matter.

Speaker, I assert that this is, as the Minister of the Environment said, a perfectly legitimate document. It is not a forgery; it is not a fraud; it is not phony-baloney. In fact, I believe it's the real McCoy. I believe we're seeing another example where the Premier, when confronted with a difficult situation, lashes out and makes an accusation. Speaker, I'm asking—

**The Speaker:** If the member could come very quickly to the point, please.

**Mr Hampton:** I have been accused of bringing a phony, fraudulent, forged document into the Legislature and I want to know, Speaker, what is my remedy? I want to have this document investigated.

**The Speaker:** I thank the member. I listened very carefully yesterday. The member didn't accuse you. He referred to the documents. At the time there was no allegation against you, no accusation towards the member. He talked about a document. I will say to the member I listened very carefully yesterday and there was no allegation made towards the leader of the third party.

1420

## ORAL QUESTIONS

## MINISTRY OF THE ENVIRONMENT

**Mr Dalton McGuinty (Leader of the Opposition):** My first question today is for the Minister of the Environment. It's once again about the issue of public safety and the matter of Walkerton, a tragedy in which as many as 18 people lost their lives.

We know that you and your government ignored warning after warning, but now we discover that you also ignored a very sound action plan put forward by your own ministry. I'm sure you had time to review this document. It talks about a commitment to a cleaner Ontario. Listen to this; this is solid stuff. It talks about creating the toughest environmental penalty structure in Canada. It talks about the strongest environmental enforcement in Canada through a SWAT team and it talks about a toll-free pollution hotline. It's a plan that quite possibly could have and might have saved us from the Walkerton tragedy.

Minister, what I want to know from you today is, who killed this plan? Who killed the plan that might possibly have saved lives?

**Hon Dan Newman (Minister of the Environment):** I had never seen this draft document until yesterday. It's clearly a draft document. On the front page it has "draft" written right on it. This is precisely why I would not have seen it. I can tell you the document has not been before cabinet.

I know some of the reports today refer to a SWAT team in the draft document, but in 1999 we made a commitment in our Blueprint document, this document right here, to create an environmental SWAT team that will carry out strict audits of industries to ensure that they're obeying the law. It's our commitment to the creation of an environmental SWAT team that was clearly laid out in this plan and several other commitments there.

It doesn't surprise me that my staff are diligently working to provide options and to ensure that our commitments are kept. We made this pledge and we intend to keep it.

**Mr McGuinty:** It's obvious that this is a very substantive document. A tremendous amount of ministry staff work would have gone into this document. Are you expecting us to believe that this kind of work was going on inside your ministry and you knew nothing about it? A plan that was so ambitious, so far-reaching that it talked about creating the toughest environmental penalty structure in Canada, it talked about creating the strongest environmental enforcement team in Canada and you knew nothing whatsoever about this plan and about this work? Is that what you're telling us?

**Hon Mr Newman:** Clearly the government is committed to fostering a healthy environment here in the province, and that's why we also promised in the Blueprint document to have the toughest penalties. I don't know if the Leader of the Opposition has seen the document or not, but we clearly made that promise in that campaign document.

We passed the Environmental Statute Law Amendment Act, which provides new and improved powers to crack down on corporate polluters, including higher fines and the forfeiture of seized property for non-payment of fines. The act also closed loopholes left in the legislation that had been brought forward by previous governments.

I intend to continue my efforts to keep Ontario clean and to improve upon the health of our land, water and air resources.

**Mr McGuinty:** There was a time when we might have cut you some slack because you were new to the job and these mistakes would really be attributed to some of your predecessors—Norm Sterling, Tony Clement—or maybe it was Mike Harris or maybe it was Tom Long and his influence in the Common Sense disaster. But you're in charge now. This was prepared on your watch. This document provides for your signature, Minister, before Cabinet. This is all about you. Now you are telling us that you weren't aware in any way, shape or form of some very substantive work that was being done on your watch by your ministry officials, a very far-reaching and ambitious plan? Why do you get the extra money? Why do you have the car? Why do you have the driver? Why have you got the job? Why have you got the title if you can't even keep track of what's going on inside your own ministry? I ask you, then, if you don't know this is going on, then why don't you just resign?

**Hon Mr Newman:** Everything the Leader of the Opposition mentioned was in our Blueprint document. We clearly spelled out an ambitious plan for the people of Ontario. Of all the documents, this program was soundly endorsed by the people of Ontario.

*Interjections.*

**The Speaker (Hon Gary Carr):** Minister, take a seat. Order.

I mistakenly thought that this, being the last day, might be an orderly day. I will say to all members, it shows what I know. We are coming to a conclusion, and I would ask all members to please come to order. The situation is very clear: If you're yelling against each other, nobody watching can even hear it, and we would just run the question period down. I'd say to the members of the opposition, that's to the government's benefit. There's no question they'll be able to get out today without any questions, so I leave it up to the opposition members whether they want to have question period or not.

Sorry for the interruption. The Minister of the Environment.

**Hon Mr Newman:** I was just mentioning that the Blueprint document was soundly endorsed by the people of Ontario. It has several ambitious targets in it for the economy. It was soundly endorsed, as was our Common



Sense Revolution. Unlike his 20/20 hindsight plan, our plan was ambitious—

*Interjections.*

**The Speaker:** I will let all members know we're now at the point where I'm going to start warning people, so beware. I'm going to start warning people. If we need to spend the entire last day moving people out of here, then we'll do that. We will not continue as long as we're shouting across. I can't hear, ministers can't hear and, quite frankly, the people at home can't hear either. It's just a massive dull roar.

I will say to all members now we've had our fun at the beginning, now I'm going to be quick to give people warnings and, of course following that, naming them.

Sorry for the interruption. The Minister of the Environment.

**Hon Mr Newman:** I was just indicating that the people of Ontario soundly endorsed our Blueprint plan, as they did the Common Sense Revolution in 1995. They rejected the Liberal plan, the red book of 1995, soundly rejected the Leader of the Opposition's 20/20 hindsight plan for Ontario.

Everything he mentioned was clearly in our Blueprint document that was endorsed by the people of Ontario. Does it surprise me that staff are diligently working to ensure that all of our commitments are kept? No, it doesn't. We intend to honour that pledge and we intend to keep it.

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## DOMESTIC VIOLENCE

**Mr Dalton McGuinty (Leader of the Opposition):** My second question is for the Attorney General. It's another question regarding another urgent issue of public safety.

It's very clear that the justice system failed Gillian Hadley, just as it has failed over the past several years so many women killed by men who had been ordered by the courts to stay away. This morning I spoke with a victim of assault, a woman in Sarnia. She told me she had been the victim of assaults that have been going on for 13 years. She worked up the courage just recently to speak to the police, and her estranged husband has now been facing a couple of charges of assault, sexual assault and charges of uttering death threats. Victims' services in her community has told her they believe that her estranged husband will be successful in obtaining bail and getting out of jail as early as tomorrow.

Minister, what assurances can you provide this woman so that if her husband is released from jail tomorrow, she will be safe?

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** I believe the Leader of the Opposition knows, as a lawyer, that I can't interfere in any individual case. He's referring, I gather, to an individual case.

What I can say to him is that the crown policy manual directs that in cases where there has been serious vio-

lence in domestic situations, the crown is to oppose the granting of bail. That is precisely what the crown does. That is the situation. In fact, crown attorneys are directed to seek a jail sentence in domestic violence cases where there is significant bodily harm, and longer sentences may be sought when the assaults are repetitious, persistent or escalating.

If there is anyone in Ontario in a situation like the situation which I understand the Leader of the Opposition to describe, they should immediately get in touch with the police and with the victim assistance program in the Ministry of the Attorney General in the local courthouse.

**Mr McGuinty:** Minister, I think you would agree that we are not doing enough in Ontario today to protect our mothers and sisters and daughters who are the subjects of abuse.

I have an idea, and I hope you will accept it in the spirit with which it is being tendered. I think we can do more to monitor the movements of dangerous men if they are released on bail. I think we could pass a law in Ontario in relatively short order, in cases such as this where a crown attorney opposes bail, to make any release absolutely conditional on the wearing of an electronic monitoring bracelet. I think that's a good idea. It's hardly the be-all and the end-all, but I think it's a step in the right direction. Will you do that? Could we not do that together quickly for this woman and many others who find themselves in these kinds of circumstances?

**Hon Mr Flaherty:** We have had remarkable success with the expansion of domestic violence courts in the province of Ontario. The reason for that is that it makes a difference in the behaviour of those persons who come before that court as accused persons. It changes behaviour; it puts them in touch with the anger management programs that can help actually change behaviour, which is fundamental. We are tripling the number of domestic violence courts in Ontario. That money was provided by the Ministry of Finance in the most recent budget. That's real progress. That makes a difference. We know it makes a difference.

Dangerous men, to whom the Leader of the Opposition has referred, ought not to get out on bail in the first place. That's the position of the crown. They should not get out on bail in the first place. Domestic violence is a serious crime to be denounced, and those who commit domestic violence should not get out on bail. That's the first point.

With respect to electronic bracelets or similar devices, the Minister of Correctional Services and I are already working on that. I thank you for joining us in that work.

**Mr McGuinty:** The problem, Minister, and you will recognize this, is that you cannot provide any kind of guarantee that these men will not be released on bail. That's the problem. Some will continue to be released on bail.

When a crown attorney has opposed someone's release on bail in these kinds of circumstances, where they make the assessment that this man presents a real danger to the spouse, I think what we should be doing is attach-

ing a condition to the release. I'd like us to explore the possibility here in Ontario of making sure that no release could be obtained by that kind of offender unless they wear this electronic monitoring bracelet.

I'm not sure whether that should be the subject of a regulation or the subject of a law. What I'm doing today, Minister—and again I ask you to receive this idea in the spirit with which it is being tendered. We are willing to co-operate in any way possible. If it's a matter of drafting a regulation, if it's a matter of the House reconvening if only for a brief period of time to make sure that we can get this done, I think it's something that we should do together. I'm offering to you my co-operation.

**Hon Mr Flaherty:** I thank the Leader of the Opposition for offering to participate in something that's already underway. Your participation is welcome. We're certainly looking at all means and we're interested in all reasonable ideas that will address this issue of not endangering people in our society who have been victims of domestic violence. I would ask the Leader of the Opposition to take into consideration the reality that we need also to encourage proper consideration and reporting to the people of Ontario of our courts and the activities in our courts.

With respect to the accountability for decisions that are made in cases of serious violent crime, not only domestic violence, which is serious and violent crime, but all serious and violent crime in the province of Ontario, we have the sentences of incarceration and we have persons kept in jail who ought to be kept in jail for the safety of people in this province.

#### WALKERTON TRAGEDY

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of the Environment. I have a new document today. You and your Premier might want to think twice before you call it phony-baloney or a fraud. The document is the claim form that you are forcing people in Walkerton to fill out. On this claim form you are insisting that personal, private information be surrendered by the citizens of Walkerton before you will even accept their request for compensation. You are insisting that they tell you their marital status, their personal incomes, their employment history, give you their records of employment and their social insurance numbers. All of this is completely irrelevant to whether or not they need compensation. What's more, it is completely in breach of the Freedom of Information and Protection of Privacy Act. But we know how much your government respects the Freedom of Information and Protection of Privacy Act.

These are people who have suffered a tragic circumstance. Why are you forcing a breach of the Freedom of Information and Protection of Privacy Act—

**Mr John O'Toole (Durham):** On a point of order, Mr Speaker.

**The Speaker (Hon Gary Carr):** Member, take your seat. Stop the clock. A point of order.

**Mr O'Toole:** My point of order is the leader of the third party just accused this government of not respecting the—

**The Speaker:** The member take his seat.

*Interjection.*

**The Speaker:** Member take his seat. Last warning to him.

*Interjections.*

**The Speaker:** Order. Member for Durham, come to order. This is his last warning. Sorry for the interruption. Start the clock. Leader of the third party.

**Mr Hampton:** My question is a simple one. You're supposed to be helping the people of Walkerton, not putting them through a dozen Catch-22s and not forcing them, in effect, to breach the Freedom of Information and Protection of Privacy Act. What are you going to do about another situation where your government is in breach of the law?

**Hon Dan Newman (Minister of the Environment):** Thank you, Speaker. I'll refer that question to the Attorney General.

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** I'm sure the leader of the third party wants the legitimate citizens of Walkerton to receive the compensation to which they are entitled as soon as possible. I'm not familiar with the form that he's waving. I'd be happy to look at it. It's not a Ministry of the Attorney General form or government of Ontario form as far as I know, but I'd be happy to look at it. It may well be the form that the town of Brockton is using in Walkerton. I can assure the member that I can review the form if he wants me to do so.

Right now, what's happening in Walkerton, thank goodness, is emergency funding is being provided first of all to those persons and their families who need emergency funding. Secondly, the Ministry of Economic Development has people there in the Brockton Response Centre in Walkerton assessing business losses right now. The assessor is there and working. Thirdly, other ministries are there including people from the Ministry of the Attorney General taking basic information from people for the individual compensation that's going to be available through alternate dispute resolution. All of those things are happening right now, as the water situation is also being addressed in Walkerton.

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**Mr Hampton:** Minister, that's not good enough. You are the government that ignored the reports of contamination of their water supply. You are the government that blamed the municipality and accused them of not accessing funds to upgrade their sewer and water system. Now you are the government that's going to put a whole long list of Catch-22s in their way when they simply try to apply for compensation. You are the government that once again is in breach of the Freedom of Information and Protection of Privacy Act.

I am saying to you right now I will send you a copy of this. I want you to say that you are going to withdraw this document, that you are not going to force people to



disclose private information that is irrelevant to the issue of compensation and that you are no longer going to invade the privacy of people who have already been the tragic victims of your government's negligence. Will you withdraw this form, Minister?

**Hon Mr Flaherty:** Unlike the member opposite, I'm not going to sit as judge and jury in this case. There's an inquiry headed by Justice O'Connor and he has a broad mandate. The leader of the third party, who is a lawyer, probably has read the terms of reference. You know that the justice will proceed with a full, broad inquiry.

There's a full, comprehensive compensation package available to the victims and their families in Walkerton. Unlike the leader of the third party, I was in Walkerton last night. I met with the mayor of Walkerton last night. I met with the head of the Kinsmen. I met with the head of the chamber of commerce. I met with victims. I met with the person running the Brockton Response Centre and the people who are operating the Ontario response there on the ground. I can tell you that the people in Walkerton appreciate the steps that are being taken on behalf of all the people of Ontario to respond compassionately to the real needs they have in Walkerton today and not play politics with the issue.

**The Speaker:** Final supplementary.

**Ms Marilyn Churley (Broadview-Greenwood):** Back to the Minister of the Environment. I would say that the leader of the third party has been in Walkerton twice throughout this tragedy. I don't think we should be playing those kinds of games with this issue. There are concerns expressed by the citizens of Walkerton about having to reveal that information, and we're asking you on their behalf today.

Minister, I want to talk again about the cabinet submission we released yesterday and today I want some answers, now that you know it's not a phony-baloney forged document. The submission was designed so that you could go to cabinet to get decisions that were needed because your ministry is stretched so thin that if existing staff have to work on something new like inspecting 630 water plants, they have to abandon other areas of work. It says there are 111 industrial plants that are often releasing contaminants affecting our drinking water. Many of them are out of compliance for two years or more, and that has not even been addressed.

Minister, I want to ask you a question, and you wouldn't answer it yesterday. When did you know about this document? Now that you have seen the document, tell me why you allowed the finance minister to cut another \$16 million out of the last budget when it's about the same amount that is needed to bring in 138 new staff as recommended.

**Hon Mr Newman:** I had never seen this draft document until yesterday. It's clearly a draft document. It's marked "draft" right on it. That's precisely why I would not have seen it. This document has not been before cabinet.

There have been some reports today referring to a SWAT team, again in the draft document. But in 1999

we made a campaign commitment in our Blueprint document to create an environmental SWAT team that would carry out strict audits of industries to ensure that they were obeying the law. Our commitment is to the creation of an environmental SWAT team; that's clearly laid in the Blueprint document. It doesn't surprise me that our staff are working diligently to provide options and to ensure our commitments are kept. I would expect no less from them.

I say to the member of the third party, as she raises the point of 630 inspections: Each and every water facility in our province will indeed be inspected by the end of this year by qualified personnel—all 630. We're also going to ensure that the certificates of approval for each one of those sites is inspected.

## DOMESTIC VIOLENCE

**Ms Frances Lankin (Beaches-East York):** My question is to the Attorney General. I want to return to the murder of Gillian Hadley and the ongoing murders of three women every month, 40 women every year.

I want to say with all sincerity to the leader of the official opposition: Women don't want new mechanisms that will allow judges and JPs to use as a diversion from locking these violent partners up. We want these violent partners locked up. We want their victims kept safe.

There are specific recommendations that have been made to you, Minister, as long ago as two years ago, from the May-Iles jury and also from the Joint Committee on Domestic Violence, recommendations like mandatory restrictions on the use of peace bonds; mandatory detention until bail hearings; mandatory show-cause so that Mr Hadley wouldn't have been released by an officer in charge in January; mandatory risk assessment where that is warranted and whenever a condition is violated—absolutely mandatory risk assessment—and mandatory detention while that risk assessment is being completed; and mandatory counselling before someone is released from jail, not as an alternative to jail time but upon release. All of those recommendations have been there. They have not been implemented.

There was a specific recommendation for training of JPs and justices in this area, and the coroner said "despite judicial independence." Your ministry has done this with respect to native justice issues and you could do it with respect to domestic violence issues. You haven't done that either.

Minister, three women die every month; 40 women die every year. Women's lives depend on your answer. Will you implement these outstanding recommendations immediately?

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** Ontario of course takes domestic violence very seriously. We lead Canada in the expansion of the initiatives in that regard, and in particular, as the honourable member I think knows and is aware of, in the tripling of the domestic violence courts, which is very important in terms of actually changing the

behaviour of people who are prone to that kind of domestic violence.

Having said that, the member knows that the Joint Committee on Domestic Violence reported last year, that we set up an interministerial task force to ensure restraining orders—I'm talking about restraining orders specifically now—are consistently and effectively enforced across Ontario. That task force was set up some time ago and has prepared proposals that are currently under consideration not only by my ministry, the Ministry of the Attorney General, but also by the Solicitor General because of course policing is involved. That's an important initiative that we have been working on.

With respect to the May-Iles inquiry, as the member may know, 90% of the recommendations of that inquiry have already been implemented or are being implemented. We take the work of the May-Iles inquiry very seriously. As I mentioned earlier, crown attorneys are directed to seek a jail sentence in domestic violence cases where there is significant bodily harm, and longer sentences may be sought when the assaults are repetitious, persistent or escalating.

I welcome all suggestions from all members with respect to how we can take further steps and additional steps to try to combat this serious violent—

**The Speaker (Hon Gary Carr):** Order. I'm afraid the Attorney General's time is up.

**Ms Lankin:** Minister, those recommendations I read out have been outstanding. The task force on enforcement of restraining orders has been labouring and has not come forward with action, or you haven't decided on the proposals and brought them forward.

I just came from a press conference where women representing victims and women's shelters were unanimous in their condemnation of your government. The May-Iles recommendations and the recommendations from the Joint Committee on Domestic Violence called for the establishment of a seamless system, of all parts working together, not just moving forward on your law and order agenda.

Let me tell you the things that aren't happening out there, why women can't flee abusive situations. Crisis line phones are overloaded. Shelters are stretched to capacity. Resources once available, such as second-stage housing, are gone due to your government's cuts. Women of colour, women with disabilities, black women, aboriginal women, lesbians and bisexual women still have limited access to services. We've watched the social safety net erode in front of our very eyes, further feminizing poverty, which forces women to stay in these situations.

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These women today called on you to act on the other recommendations outstanding from the May-Iles jury inquest to provide the community supports women need to escape abusive relationships and create safety for their children and themselves. Gillian Hadley wanted out and she couldn't get out.

The Ontario government was asked to immediately review shelter funding and you haven't done that. They were asked to immediately reinstate second-stage housing funding and you haven't done that. They wanted immediately an implementation of the risk assessment and the lethality checklist so that the system can work together. Those recommendations haven't been implemented.

I said to you before and I'm going to say again, three women a month are murdered; 40 women a year are murdered. Women's lives depend on your answer. Will you implement these outstanding recommendations immediately, Minister, please?

**Hon Mr Flaherty:** Domestic violence is a serious crime, as the member knows, and will not be tolerated in Ontario, as all serious violent crime is not to be tolerated in Ontario.

We have taken a leadership role in Ontario in protecting women from domestic violence, including \$10 million in the most recent budget to support women and children. There are a lot of programs. The honourable member refers to phones. We are piloting a program already that gives victims of domestic violence free cell phones pre-programmed to call 911. The same potential victims can receive safety planning, which gives them an increased measure of safety. There are many initiatives. That's one initiative. In fact we have 40 projects and initiatives in the areas of safety, justice and prevention to help meet the needs. If the member has additional ideas, in addition to those 40 initiatives, all ideas are welcome. It's an absolutely crucial area in which much more can be done.

I say to the member opposite, the expansion, the tripling of the number of domestic violence courts is actually making a demonstrable difference for safety in domestic situations in Ontario.

**The Speaker:** Order. The minister's time is up. New question.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr Michael Gravelle (Thunder Bay-Superior North):** My question is to the Minister of Health. I want to ask you once again about the inequity in funding for people from northern Ontario who have to travel out of their home communities and often out of their own region to get medically necessary care. Minister, we don't want you to tell us that there are two different programs. We know that. That's exactly the problem we've been raising over and over again since you temporarily began 100% funding for southern Ontario cancer patients travelling north.

The northern health travel grant program is the only source of support for people who have to travel for cardiac surgery, for neurological disorders, for kidney transplants or even for regular dialysis. Many of our constituents are paying thousands upon thousands of dollars to get the care they need. This is not a choice they make.



They cannot get the care any closer to home, so they are referred to the nearest place where care is available.

Minister, you established a principle with your treatment of southern Ontario cancer patients who are referred out of their region for treatment. The principle was that you shouldn't have to pay out of pocket if you can't get care at home. My question is, if that principle is right for people from southern Ontario, why is it not right for people from northern Ontario regardless of their medical need?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** The member knows full well that the northern health travel grant, which was actually established by his government and which is still in place today, is the very same program they initiated. As I have said on several occasions, the only change that was made to the program was by the NDP government which actually tightened the criteria.

In the interim Cancer Care Ontario, recognizing that not all cancer patients could be treated in the time that would be appropriate for radiation, temporarily put in place another program which is a program that re-refers patients for radiation treatment. It is a temporary program. I am very pleased to say that yesterday I was at Princess Margaret Hospital and they have worked very diligently there and have actually been able to increase the number of people who are receiving radiation treatment by 15%. So I am very optimistic that as Cancer Care Ontario and Princess Margaret continue to work very hard, we will be able to ensure that all people are treated within Ontario for cancer radiation in the future.

**The Speaker (Hon Gary Carr):** Final supplementary?

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** Minister, it is simply not good enough to keep hiding behind bureaucratic jargon and suggesting that you can treat northern Ontario residents differently because they are not re-referred. It makes absolutely no sense to say, "If you can normally get care at home, you should not have to pay, but if you can never get care at home, you should pay for care out of your own pocket." That's exactly what you're telling northern Ontario residents. You expect northern Ontario residents to have to travel for care, so they should pay for it out of their own pockets. That is unequal treatment, Minister, and it is unfair.

You have suggested in recent weeks that at least northern Ontario cancer patients, if they have to leave their own region, will get their full costs covered. That is simply not the case. There are many northern Ontario cancer patients who have to travel and who get only the northern health travel grant. Not even children with cancer have their full costs covered.

Minister, you should know that the public accounts committee report that was tabled earlier this afternoon, a committee of the Legislature with a majority of government members, has now called for a report reviewing the cost of travel for northern Ontario residents who are referred for treatment out of their home area. You know that Cancer Care Ontario has had a task force

underway on this issue, and you yourself said earlier this month that you would review the northern health travel grant. I ask you today, before this session ends, will you table the task force report from Cancer Care Ontario, and when will you complete and make public your own review of the northern health travel grant?

**Hon Mrs Witmer:** As the member knows, we have certainly made every effort—in fact, our government has indicated that it is our objective to do everything we can to provide services closer to home, and that's exactly what we have been doing.

There is no difference in the re-referral program for anyone, whether they live in the south or the north or the east or the west. Every Ontarian has access to the temporary re-referral program that has been set up by Cancer Care Ontario. In fact, Cancer Care Ontario says very clearly in a statement here that in the north, Cancer Care Ontario is honouring their commitment by building a new radiation treatment facility in Sault Ste Marie. They are supporting 22 community chemotherapy clinics throughout northeastern Ontario, as well as 13 in the northwest. Cancer Care Ontario's program does not discriminate against anyone.

The program of re-referral has been made available for people in the north, the south, the west and the east. At the same time, we are making sure that we have the facilities in the north to meet the needs of northern Ontarians.

## CROP INSURANCE

**Mrs Julia Munro (York North):** My question is for the Minister of Agriculture, Food and Rural Affairs. A member of my community has called my office on numerous occasions to discuss what the rain has done to his crops. The seeds for his crops were washed out in May. He replanted, and was rained out again last week. Minister, what assurances can I give this member of my community that his concerns will be addressed?

**Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs):** I want to thank the member from York North for the question. I'm sure the member is aware, as I am, of the continuous wet weather in some areas of the province that has prevented the farmers from getting their crops planted this spring. I certainly share the concern of the member for the farmers in her community who have not been able to finish the spring planting.

As the member is aware, the crop insurance program covers both unseeded acreage coverage and replanting benefits. The crop insurance program has been designed to assist producers with just the type of problems they've been experiencing this spring. Crop insurance staff are available from 7 to 7, Monday to Friday, to assist the farmers. The toll-free number to call is 1-888-247-4999. I would encourage her constituent to work closely with the crop insurance staff to ensure that they get all the benefits to which they are entitled.

**Mrs Munro:** Minister, as I am sure you are aware, the individual that I referred to is one of many farmers in my riding of York North and those across the province. What measures is the ministry taking to address the concerns of these farmers, taking into account the unusual weather we have experienced this spring?

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**Hon Mr Hardeman:** I want to assure the member of my concern for the farmers and the difficulties they are experiencing. It is in this light that our government continues to deliver an extensive package of safety net programs for the Ontario farmers.

I'm pleased to point out that this past winter, following extensive negotiations, we were able to negotiate a fair share federal safety net funding agreement. That means that over an additional \$30 million of federal funding will be available to our producers in Ontario. Our government will of course contribute our 40%, bringing the total amount of base safety net funding to approximately \$230 million.

Our ministry is currently working with leaders of the Ontario agricultural industry in order to use these funds to tailor a package for made-in-Ontario safety net programs. Ontario's farmers are supported by NISA—the net income stabilization program—crop insurance and self-directed risk management, and we are negotiating with the federal government on further details of the disaster relief program for this year which they would then be entitled to over and above their crop insurance program.

I thank the member for York North very much for the question.

#### PUBLIC SAFETY

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Consumer and Commercial Relations and it too has to do with the subject of public safety. Minister, you will be familiar, I'm sure, with the story of Judith and Jean-Marc Charron, who live in my riding, who a couple of years ago lost their son in a terrible accident at the exhibition in Ottawa. Their son, Jerome, was on something called a reverse bungee jump, which they strap you into, and he was then propelled into the air some 100 feet. For purposes of perspective, the ceiling here is about 60 feet high. At the height of this 100-foot trajectory, he became detached from the harness and plunged to his death before hundreds of horrified onlookers.

You will be aware, Minister, that yesterday the coroner's inquest jurors put forward their recommendations. What they said in very clear terms was that they want the government of Ontario to get back into the business of public safety. They said that they wanted private sector inspectors to be inspected by somebody in the government. They felt there was inadequate monitoring ongoing when it came to the public safety at amusement rides in Ontario. Minister, will you do your job and accept the jury's recommendations?

**Hon Robert W. Runciman (Minister of Consumer and Commercial Relations):** I appreciate the question from the Leader of the Opposition. This was a terrible accident, resulting in death. The inquest jury has made a number of very helpful recommendations surrounding that incident, providing advice to me and to the government. I have indicated to staff at the ministry that in terms of Bill 42, which is before the Legislature, I want to carefully consider the recommendations. Some of them may have an impact on the final form of that legislation. We're going to take the next period of time to review the recommendations of the inquest jury and see if we can make those changes.

We are responding, I think, in a very positive way. We're taking a look at a number of the recommendations that can be implemented immediately. Some cannot be handled other than through the passage of Bill 42, but we're looking at all available options to address the recommendations of the jury.

**Mr McGuinty:** You should know that when I chatted with Judith and Jean-Marc Charron about this matter and the coroner's inquest and Bill 42, they had very grave reservations about Bill 42. They see it the way I see it: It's going to compound what has happened with respect to this government abdicating its responsibility for public safety, in this particular case dealing with amusement rides.

We can't wait when it comes to making sure that the rides at our county fairs and our larger urban exhibition grounds are safe for children this summer. What I'm asking you to do, Minister, is to look at these recommendations—there are 29 in total—and implement them immediately. If there is anything that we might do to assist in that regard, consider this my genuine offer of assistance, but we owe it to the family, we owe it to all parents right across Ontario who will be accompanying or sending their children to fairgrounds this summer and having those children get on rides. I ask you, Minister, to implement these recommendations.

**Hon Mr Runciman:** I appreciate the leader's expression of interest in cooperating and I want to indicate that I do respect that offer as being sincere. I do want to point out that with respect to the 29 recommendations, 15 are already being pursued or implemented. Six, we're told, are possible to implement under the existing legislation, and we're trying to deal with this as quickly as possible in terms of deeming whether this is the appropriate way to go or not. Seven, I'm advised as of today, would require or benefit from passage of Bill 42. Mr Charron, the father, has indicated his disappointment with respect to no reference to banning of these travelling bungee rides, and I have indicated to my staff that I want to also pursue that request on the part of the Charron family.

We are trying to act on this in an expeditious manner. I want to assure you and anyone listening that we place public safety in terms of the highest priority. We want to deal with these in a very timely way.



## BIOTECHNOLOGY

**Mrs Tina R. Molinari (Thornhill):** My question is for the Minister of Energy, Science and Technology. Last week, I was pleased to introduce to this Legislature four students from St Elizabeth Catholic high school in Thornhill who won first place in the prestigious Connaught student biotechnology competition. The work of Joy Lero, Rosanna Dolcetti, Bernadette Hagan and Valerie Tam centred around the discovery that genistein, a biochemical product of soybeans, can kill breast cancer cells. These young women are truly among the best and brightest young Ontarians and they will be pursuing careers in biotechnology and health sciences. Minister, can you explain what our government is doing to turn the brain drain into a brain gain and ensure that knowledge-based careers are available in Ontario for our talented young people?

**Hon Jim Wilson (Minister of Energy, Science and Technology):** I want to add my voice of congratulations to the young women who were successful at the biotechnology exhibition at Connaught school. You should be very proud. I know the honourable member is very proud and she did introduce them to this Legislature earlier this week.

On Monday of this week, the government of Ontario tried to make the future brighter for these young women and other bright young people who want to study the sciences or biotechnology. I announced \$9 million for a new biotechnology commercialization centre, or what we call a biotechnology incubator, that will be built on the site of the Toronto Hospital, where the Bell wing is now. That incubator will foster about 125 businesses over the next five years, and we expect 4,000 highly skilled jobs will be created for young people like those we saw introduced earlier this week in the Legislature. There's a bright future there. This is part of SuperBuild, and we'll be having more biotechnology commercialization centre announcements in the near future throughout the rest of the province.

**Mrs Molinari:** Minister, could you explain how important Ontario's biotechnology industry is today and how it is growing?

**Hon Mr Wilson:** Ontario's biotechnology sector is a \$400-million sector today, and we expect, with investments from SuperBuild and our biotechnology commercialization centres, that the industry will grow to about a billion dollars over the next five years and about 6,500 new high-skilled jobs will be created in that sector. Today, we're home to about 70 core biotechnology companies and we have 21 research institutions that specialize in biotechnology.

To date, in the time that I've been Minister of Energy, Science and Technology, we've invested a total of about \$1.4 billion in biotechnology and science infrastructure in the province. We're building new labs, we're announcing commercialization centres and we really are providing a tremendous infusion of public money. Along with private sector money, and educational institutions

and health care institutions, we're all working together to ensure a bright future for our best and brightest, and we're really working hard to reverse the brain drain, something the federal government needs to do. They need to work along with us, because the Prime Minister still thinks there isn't a brain drain in this country. This government recognizes there is, and we're putting our money where our mouth is and making investments in science and technology to—

**The Speaker (Hon Gary Carr):** The minister's time is up.

1510

## COLLECTION AGENCIES

**Ms Shelley Martel (Nickel Belt):** I have a question for the Attorney General. On June 3 you announced that three private collection agencies had been selected to try and collect outstanding arrears overdue for more than six months. What was interesting about the press release is that there was no mention made of how or how much the private collection agencies would be paid.

I raise this serious issue because we know that under your previous pilot project using collection agencies, the agencies were paid with money that was legally owed and should have gone, in full, to women and children. We know that as money started to come in from payers, 25% of it was diverted away from needy recipients and went instead to pay the collection agencies.

We know this because your deputy minister and the legal director of the Family Responsibility Office confirmed that this indeed was the payment scheme when they appeared before the public accounts committee on February 16. You paid for your pilot project off the backs of women and children. Are you going to do this a second time?

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** As the member should know, when support money has been located, the recipient starts receiving payments immediately. The payer, the person responsible for paying the money, pays the collection agency fee, which is based on a sliding scale up to a threshold of 25%. That's the way the system works. I would have thought the member knew that.

The payer owes everything. The payer must pay the full amount of the support arrears, ongoing support, plus any collection agency fee. Let's remember that no monies would be flowing to families if not for the involvement of these collection agencies, which have collected some of the oldest debt owed to women and children in the province of Ontario.

**Ms Martel:** Perhaps if you staffed up the Family Responsibility Office properly, the FRO staff could do that themselves.

Minister, I'm surprised you don't know what went on in the committee, because if you had read the account from the committee, you wouldn't have said what you just did.

Here's the Hansard. I asked the question, "Are they"—the collection agencies—only paid when all of the arrears have been paid to the recipient?" Your deputy says, "No, there is a scale." The legal director at the FRO states, "With respect to those situations where there hasn't been a full payment, there is a scale by which the collection agency gets some money, up to a threshold of 25% of the payment." Again, when I ask the legal director if he's sure that the collection agency gets money when the full payment has been made, Mr Costen replies, "Up to 25% until such time as the whole payment is made."

Minister, it is absolutely clear that money that should have gone to women and children was diverted to pay your friends in the collection agencies. It's bad enough that you have to use collection agencies because you can't staff up the Family Responsibility Office for them to do their own work, but what's worse is you use money that's legally owed to women and children to pay them too. There's a second round that's due to begin. I ask you again: Are you going to pay collection agencies off the backs of women and children one more time?

**Hon Mr Flaherty:** I'm proud of the fact that over \$11 million that was owed to payees in Ontario, over \$11 million that your government did not collect for women and children in the province, has been collected by our government, through the Family Responsibility Office, for women and children. You didn't do it. We did it.

#### PRIVATE UNIVERSITIES

**Mrs Marie Bountrogianni (Hamilton Mountain):** My question is for the Minister of Training, Colleges and Universities. Yesterday you stood up in this House and responded to a question by telling the people of the province that you had public consultations with respect to private universities. You deliberately misled the people of Ontario.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. No, the member cannot say that. She needs to withdraw it.

**Mrs Bountrogianni:** Retracted, Speaker.

Your parliamentary assistant stated on a TV talk show that the consultations would be public. They were not public. They were invitation-only events, and you posted the OPP at the door to ensure that access was restricted. You even refused to release the names of those you consulted with. What are you hiding, Minister? Who are you hiding? Consultation means that you listen to the people of Ontario, not just to those who share your views.

You proudly proclaim that you have received over 50 written submissions. Of course you did. It's the only way people can communicate with you, e-mailing you, one way. Today, right here in the Legislature, there was a public hearing on private universities, and you weren't there, Minister. The organizers invited you and you weren't there. Instead, your staff threw this memo into the consultations, without letterhead, without a signa-

ture—nothing. What are you ashamed of? Who are you ashamed of?

How can you stand in this House and state, and I quote: "We have consulted broadly. We have consulted with those who have asked to be consulted with and we have reached out." You have not, Minister. The people in the Legislature today have not been heard on this issue. The people of Ontario have not been heard on this issue. I challenge you to open genuine, real, honest consultations with the public. Will you do that, Minister?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities):** We are totally committed to offering choices with regard to post-secondary education of our students in this province, no matter where they live, no matter how old they are.

I can tell you we have just finished having responses to papers that were sent out to over 400 stakeholders for their input. If these people wanted to meet with me, they did, including the Canadian Federation of Students, the Ontario Confederation of University Faculty Associations, the Ontario Community College Student Parliamentary Association, the Association of Colleges of Applied Arts and Technology of Ontario, the Ontario Graduate Association, the Ontario Undergraduate Student Alliance, the Council of Ontario Universities, the Ontario Public Service Employees Union, the Council of Regents—the list goes on.

We are 100% in favour of getting the best advice we can. If anyone in this assembly or anyone listening to this question would like to speak to us or meet with us, we're ready. I will advise, though—

**The Speaker:** I'm afraid the minister's time is up.

**Mrs Bountrogianni:** Minister, I've been asking you for over a month for those names. You claim private universities will increase choice. You claim private universities will not cost the taxpayer anything. This is where you're wrong. Your plans will create a two-tier system of universities in Ontario. Private universities will increase choice only for those who can afford tuition of \$25,000 to \$40,000. They already have that choice. You obviously agree with your candidate for the Canadian Alliance, Tom Long, who says they should go to the United States to attend university. Taxpayers—

*Interjections.*

**Mrs Bountrogianni:** Such a wonderful source. Ask Mr Klees.

Taxpayers will pay for private universities through OSAP loans. Who do you think provides funding for OSAP loans, your research grants? It's even happening now. Given what Ontarians have said about your scheme to bring in the Phoenixes of the world, will you commit to putting your plans on hold until you hold genuinely open consultations?

**Hon Mrs Cunningham:** Actually, I just don't understand what the member opposite is concerned about. Our public universities are our first priority. Our public universities, our college system, our—

*Interjections.*

**The Speaker:** I can't hear the answer.



*Interjections.*

**The Speaker:** Order. Sorry for the interruption. Minister.

**Hon Mrs Cunningham:** We're totally committed to finding better ways to provide opportunities to our students in Ontario. Our students need more opportunities, not fewer. Our colleges have been asking us for applied degrees so that the students who graduate will meet the needs of the world of work, no matter where they work—in Canada, around the world. Our public institutions have always been competitive around the world. They will remain competitive around the world, the best in the world right here in Ontario and across this country. We're totally committed to finding better ways, quality education for students, no matter where they live, no matter how old they are, in this great province.

1520

#### HIGHWAY 407

**Mr John O'Toole (Durham):** It's my distinct pleasure to ask the last question in this session, and it's an honour I don't take lightly. My question is to the Minister of Transportation.

Minister Ecker, Minister Flaherty, Jerry Ouellette, MPP for Oshawa, and I recently met with your ministry on the important issue of Highway 407. At the meeting there were people involved from the Durham Region Federation of Agriculture, people like Don Drake, Jacqueline Vaneyk, Brenda Metcalf, Arnold Kerry, Karen Yellowlees and a number of other people. We met with senior people in your ministry. We had a very productive session with the constituents, and their question was about long-term planning for their farm and rural operations in Durham.

Minister, could you inform both Minister Ecker and Minister Flaherty, and myself and my constituents, of course, and the members of the House here, what your plans are to extend Highway 407 eastward into Durham so they can significantly plan for their future in agriculture.

**Hon David Turnbull (Minister of Transportation):** I think it's totally appropriate that the member for Durham would have the last word in this House.

Agriculture, of course, was the main consideration in determining the proposal for Highway 407 completion. The MTO consulted with the Ministry of Agriculture and the Ontario and regional federations of agriculture. The findings were in fact presented to the farming community at public meetings. The proposed route has the least agricultural impact and the province is committed to the environmental assessment process. The EA will examine alternative routes and consider all factors, but it is important to understand that the EA approval is required first before we can move forward with other implementation issues.

I would like to just point out that I certainly welcome some civil servants from the Ministry of Transportation who are in the members' gallery today.

#### PETITIONS

##### NORTHERN HEALTH TRAVEL GRANT

**Mr Alvin Curling (Scarborough-Rouge River):** I have a petition here to the Legislative Assembly of Ontario and it reads like this:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

I fully endorse this petition and so has the member for Sudbury who has been fighting so strongly about it.

##### SAFE DRINKING WATER LEGISLATION

**Ms Marilyn Churley (Broadview-Greenwood):** I have more petitions calling for bringing in the Safe Drinking Water Act, 2000. It reads:

"To the Legislative Assembly of Ontario:

"Whereas the people of Ontario have the right to receive clean and safe drinking water; and

"Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of public health; and

"Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

"Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

"Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

"Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) Immediately restore adequate funding and staffing to the Ministry of the Environment;

"(2) Immediately pass into law Bill 96, the Safe Drinking Water Act, 2000."

I agree with this petition completely and will affix my signature.

#### DEVELOPMENTALLY DISABLED

**Mr Garfield Dunlop (Simcoe North):** I am presenting this on behalf of Mr Turnbull's riding.

"To the Legislature of Ontario:

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to their workers is, based on a recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings; and

"Whereas there are hundreds of senior parents in Ontario who saved the Ontario government millions of dollars by keeping their child with a developmental disability at home, and who are still caring for their adult child; and

"Whereas there is no plan of support for most of these adults with a developmental disability to go when the parents are no longer able to provide care; and

"Whereas these parents live with constant anxiety and despair;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase compensation for workers in the developmental services sector so it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who have no support when their parents are no longer able to care for them."

#### NATIONAL CHILD TAX BENEFIT SUPPLEMENT

**Mr Steve Peters (Elgin-Middlesex-London):** This is a petition to the Legislature of Ontario.

"Whereas the national child tax benefit supplement is provided by the federal government; and

"Whereas the Harris government claws back all funds from this program from families on social assistance; and

"Whereas children faced with poverty in this province need and deserve these federal funds; and

"Whereas these funds provided by provincial programs are oftentimes not sufficient to meet the needs of our families on social assistance;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To provide the national child tax benefit supplement to all children living in poverty."

This is signed by over 700 individuals in Ontario, including Rachel Iris Mayer, a young lady from Peterborough who took the initiative to have this petition put forward. I have affixed my signature in support of it.

#### DEVELOPMENTALLY DISABLED

**Ms Marilyn Churley (Broadview-Greenwood):** I have a petition which reads:

"To the Legislature of Ontario:

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to staff of not-for-profit agencies is, based on a recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings; and

"Whereas there are hundreds of senior parents in Ontario who saved the Ontario government millions of dollars by keeping their child with a developmental disability at home, and who are still caring for their adult child; and

"Whereas there is no place for most of these adults with a developmental disability to go when the parents are no longer able to provide care; and

"Whereas those parents live with constant anxiety and despair; and

"Whereas these adult children will end up in Ontario nursing homes and hospitals if there is no appropriate place to provide care;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase compensation for workers in not-for-profit agencies so that it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who at present have no place to go when their parents are no longer able to care for them."

I have over 700 signatures here, and I will affix my signature because I agree with the petition.

#### DRIVER EXAMINATIONS

**Mr Gerry Martiniuk (Cambridge):** To the Legislative Assembly of Ontario:

"Whereas according to the Ministry of Transportation for the province of Ontario there is at least a 10-month backlog for persons wishing to take their road driving test. This situation is prevalent throughout the entire province. With Ontario's booming economy and the cur-



rent provincial government objectives this is an intolerable situation. This backlog situation could be rectified simply by the hiring of further testing staff or the reopening of examination offices.

"We, the undersigned, petition to the Legislative Assembly of Ontario as follows;

"That the government of Ontario hire additional Ministry of Transportation road testing staff and open further testing offices to eliminate or substantially reduce the current testing backlog within the province."

1530

### INTERNATIONAL ADOPTIONS

**Mr Joseph Cordiano (York South-Weston):** To the Legislative Assembly of Ontario:

"Whereas the Conservative government has imposed a \$925 head tax on international adoptions; and

"Whereas the cost to the government for processing international adoptions is no greater than that for domestic adoptions, which are not subject to the head tax; and

"Whereas in other provinces, parents are offered a tax credit of up to \$3,000 to offset the enormous costs of international adoptions; and

"Whereas charging \$925 to parents who adopt a child is as unacceptable as it would be to charge mothers for their medical care at childbirth;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To demand that this head tax be immediately revoked; and

"To demand a full refund to everyone who has paid it."

This petition has been signed by 2,600 citizens of the province of Ontario and I sign my name to it.

### FARMFARE PROGRAM

**Mr David Christopherson (Hamilton West):** To the Legislative Assembly of Ontario, a petition signed by thousands of farm workers and their supporters:

"Whereas the government of Ontario introduced farmfare on September 21, 1999, to supplement their workfare program, forcing social assistance recipients to work on farms for their benefits; and

"Whereas the Harris government of Ontario has not provided any consultation or hearings regarding this initiative; and

"Whereas the Harris government has excluded agricultural workers from protections under the provincial labour code by passing Bill 7; and

"Whereas this exclusion is currently being appealed under the Canadian Charter of Rights for infringing on the right of association and equal benefit of law;

"We, the undersigned, petition the Legislative Assembly of Ontario to retract the farmfare program until hearings have been held and to reinstate the right of agricultural workers to allow them basic human rights protection under the labour code of Ontario."

On behalf of the NDP caucus, I add my name to those of these petitioners.

### KARLA HOMOLKA

**Mr John Hastings (Etobicoke North):** I have a petition here to the Legislative Assembly of Ontario that reads as follows:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma—"

**Interjection:** It's over now.

**Mr Hastings:** Over for you maybe; not for these folks.

"—and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to passes to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight Ottawa's plan to release up to 1,600 more convicted criminals on to Ontario streets"—what an accomplishment—"and

"Ensure that the Ontario government's sex offender registry is functioning ASAP."

I'm certainly glad to affix my signature to this petition.

### EDUCATION LEGISLATION

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Even though Bill 74 has received third reading, people are still showing their displeasure with it.

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 attacks human rights by demanding teachers be available seven days a week, 24 hours a day, 365 days a year, to do assigned duties; and

"Whereas Bill 74 turns over all education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 throughout the province immediately."

I put my signature on that too.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr David Christopherson (Hamilton West):** I continue to receive petitions from Cathy Walker, petitions that were organized by Cecil Mackasey and Rick Roberts of CAW Local 222. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances known as carcinogens; and

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens; and

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances; and

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer and that the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

I add my name to this petition.

#### LORD'S PRAYER

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life; and

"Whereas the Lord's Prayer is the most meaningful expression of the religious convictions of many Ontario citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I am pleased to affix my signature to this petition.

**Mr James J. Bradley (St Catharines):** On a point of order, Mr Speaker: My first point of order is, I would just ask you to tell the members of the House: Have you ever heard of anybody wanting to remove the Lord's Prayer from this House? Do you know of any intention to remove the reading of the Lord's Prayer from this House?

**Mr Bart Maves (Niagara Falls):** On a point of order, Mr Speaker: Seeing as it's the last day of this session, I'd seek unanimous consent to allow the member for Durham the rare opportunity to read a petition.

**The Acting Speaker (Mr Tony Martin):** I hear a no.

#### ORDERS OF THE DAY

##### PROFESSIONAL GEOSCIENTISTS ACT, 2000

##### LOI DE 2000 SUR LES GÉOSCIENTIFIQUES PROFESSIONNELS

Mr Hudak moved third reading of the following bill:

Bill 86, An Act to establish the Association of Professional Geoscientists of Ontario / Loi visant à établir l'Ordre des géoscientifiques professionnels de l'Ontario.

**The Acting Speaker (Mr Tony Martin):** Is there any debate?

Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

##### HIGHWAY TRAFFIC AMENDMENT ACT, 2000 LOI DE 2000 MODIFIANT LE CODE DE LA ROUTE

Mr Turnbull moved third reading of the following bill:

Bill 91, An Act to require the mandatory reporting of severely damaged vehicles to counter motor vehicle fraud and theft / Projet de loi 91, Loi exigeant la déclaration obligatoire des véhicules gravement endommagés afin de lutter contre la fraude et le vol des véhicules automobiles.

**The Acting Speaker (Mr Tony Martin):** Is there any debate?

If not, is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.



1540

**Hon Frank Klees (Minister without Portfolio):** I seek unanimous consent to call orders Pr3, Pr5, Pr16, Pr19, Pr20, Pr21, Pr22, and Pr24 so that they may be moved and debated concurrently for second and third reading.

**The Acting Speaker:** Do we have unanimous agreement? It's agreed.

**Mr R. Gary Stewart (Peterborough):** Just before I read this, I'd like to introduce four people who are in the gallery and who are connected with this bill: CEO Rob Deavitt of Peterborough Regional Hospital; Dawn Straka, vice-chair of the board; and Tom McHugh, vice-president. They have been awarded by this government a brand new hospital to be built in the next few years. That's probably out of order but I did it anyway.

#### PETERBOROUGH REGIONAL HEALTH CENTRE ACT, 1999

Mr Stewart moved second reading of the following bill:

Bill Pr3, An Act respecting Peterborough Regional Health Centre.

**The Acting Speaker (Mr Tony Martin):** Is it the pleasure of the House that the motion carry? Carried.

Mr Stewart moved third reading of the following bill:

Bill Pr 3, An Act respecting Peterborough Regional Health Centre.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

#### ROSS MEMORIAL HOSPITAL ACT, 1999

Mr Stewart moved second reading of the following bill:

Bill Pr5, An Act respecting The Ross Memorial Hospital.

**The Acting Speaker (Mr Tony Martin):** Is it the pleasure of the House that the motion carry? Carried.

Mr Stewart moved third reading of the following bill:

Bill Pr5, An Act respecting The Ross Memorial Hospital.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

#### TALPIOT COLLEGE ACT, 1999

Mr Colle moved second reading of the following bill:

Bill Pr16, An Act to incorporate Talpiot College.

**The Acting Speaker (Mr Tony Martin):** Is it the pleasure of the House that the motion carry? Carried.

Mr Colle moved third reading of the following bill:

Bill Pr16, An Act to incorporate Talpiot College.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

#### REDEEMER UNIVERSITY COLLEGE ACT, 2000

Mr Clark moved second reading of the following bill:  
Bill Pr19, An Act respecting Redeemer Reformed Christian College.

**The Acting Speaker (Mr Tony Martin):** Is it the pleasure of the House that the motion carry? Carried.

Mr Clark moved third reading of the following bill:

Bill Pr19, An Act respecting Redeemer Reformed Christian College.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

#### NER ISRAEL YESHIVA COLLEGE ACT, 2000

Mr Young moved second reading of the following bill:  
Bill Pr20, An Act respecting Ner Israel Yeshiva College.

**The Acting Speaker (Mr Tony Martin):** Is it the pleasure of the House that the motion carry? Carried.

Mr Young moved third reading of the following bill:

Bill Pr20, An Act respecting Ner Israel Yeshiva College.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

#### 1264030 ONTARIO INC. ACT, 2000

Mr Duncan, on behalf of Mr Bartolucci, moved second reading of the following bill:

Bill Pr21, An Act to revive 1264030 Ontario Inc.

**The Acting Speaker (Mr Tony Martin):** Is it the pleasure of the House that the motion carry? Carried.

Mr Duncan, on behalf of Mr Bartolucci, moved third reading of the following bill:

Bill Pr21, An Act to revive 1264030 Ontario Inc.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

#### TOWN OF GREATER NAPANEE ACT, 2000

Mrs Dombrowsky moved second reading of the following bill:

Bill Pr22, An Act respecting the Town of Greater Napanee.

**The Acting Speaker (Mr Tony Martin):** Is it the pleasure of the House that the motion carry? Carried.

Mrs Dombrowsky moved third reading of the following bill:

Bill Pr22, An Act respecting the Town of Greater Napanee.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

#### HURON UNIVERSITY COLLEGE ACT, 2000

Mr Wood moved second reading of the following bill:  
Bill Pr24, An Act respecting Huron University College.

**The Acting Speaker (Mr Tony Martin):** Is it the pleasure of the House that the motion carry? Carried.

Mr Wood moved third reading of the following bill:

Bill Pr24, An Act respecting Huron University College.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

#### GERMAN PIONEERS DAY ACT, 1999 LOI DE 1999 SUR LE JOUR DES PIONNIERS ALLEMANDS

Mr Wettlaufer moved third reading of the following bill:

Bill 28, An Act to proclaim German Pioneers Day /  
Projet de loi 28, Loi proclamant le Jour des pionniers  
allemands.

**Mr Wayne Wettlaufer (Kitchener Centre):** The bill recognizes that the contributions made by German Canadians who came to Ontario in several waves of immigration have been significant. As one of the founding groups of Ontario, German pioneers helped settle the province and made their rich cultural traditions and

values an integral part of Canadian society. Ontario citizens of German descent continue to make a significant contribution to Ontario and Canada.

**The Acting Speaker (Mr Tony Martin):** Further debate, or any questions or comments? No.

Mr Wettlaufer moved third reading of Bill 28. Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

#### TARTAN ACT, 1999

#### LOI DE 1999 SUR LE TARTAN

Mr Murdoch moved third reading of the following bill:

Bill 49, An Act to adopt an official tartan for Ontario /  
Projet de loi 49, Loi visant à adopter un tartan officiel  
pour l'Ontario.

**Mr Bill Murdoch (Bruce-Grey):** Mr Speaker, it looks like I may be the last order of the day, so I won't take up your time. All I want to do is thank Lillian Ross, who put a lot of work into this bill last year. I'd also like to thank all three parties for supporting it. It's something they all can support in this House and make sure everybody has a good summer.

**The Acting Speaker (Mr Tony Martin):** Further questions or comments? Any further debate? If not, Mr Murdoch moves third reading of Bill 49.

Is it the pleasure of the House that the motion carry? Carried. Be it resolved that the bill do now pass and be entitled as in the motion.

**Hon Frank Klees (Minister without Portfolio):** Speaker, I move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

This House is adjourned until September 25 at 1:30 of the clock.

*The House adjourned at 1551.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Agostino, Dominic (L)	Hamilton East / -Est	chief opposition whip / whip en chef de l'opposition
Arnott, Ted (PC)	Waterloo-Wellington	Parliamentary assistant to the Minister of Economic Development and Trade / adjoint parlementaire au ministre du Développement économique et du Commerce
<b>Baird, Hon / L'hon John R. (PC)</b>	Nepean-Carleton	Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones
Barrett, Toby (PC)	Haldimand-Norfolk-Brant	Parliamentary assistant to the Minister of the Environment / adjoint parlementaire au ministre de l'Environnement
Bartolucci, Rick (L)	Sudbury	deputy opposition House leader / chef parlementaire adjoint de l'opposition
Beaubien, Marcel (PC)	Lambton-Kent-Middlesex	
Bisson, Gilles (ND)	Timmins-James Bay / Timmins-Baie James	
Bountrogianni, Marie (L)	Hamilton Mountain	
Boyer, Claudette (L)	Ottawa-Vanier	
Bradley, James J. (L)	St Catharines	
<b>Brown, Michael A. (L)</b>	Algoma-Manitoulin	First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Bryant, Michael (L)	St Paul's	
Caplan, David (L)	Don Valley East / -Est	deputy opposition whip / whip adjoint de l'opposition
<b>Carr, Hon / L'hon Gary (PC)</b>	Oakville	Speaker / Président
Christopherson, David (ND)	Hamilton West / -Ouest	New Democratic Party House leader / chef parlementaire du Nouveau Parti démocratique
Chudleigh, Ted (PC)	Halton	Parliamentary assistant to the Minister of Natural Resources / adjoint parlementaire au ministre des Richesses naturelles
Churley, Marilyn (ND)	Broadview-Greenwood	chief New Democratic Party whip / whip en chef du Nouveau Parti démocratique
Clark, Brad (PC)	Stoney Creek	Parliamentary assistant to the Minister of Health and Long-Term Care, assistant deputy government whip / adjoint parlementaire à la ministre de la Santé et des Soins de longue durée, whip adjoint suppléant du gouvernement
Cleary, John C. (L)	Stormont-Dundas-Charlottenburgh	
<b>Clement, Hon / L'hon Tony (PC)</b>	Brampton West-Mississauga / Brampton-Ouest-Mississauga	Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Coburn, Brian (PC)	Carleton-Gloucester	Parliamentary assistant to the Minister of Municipal Affairs and Housing / adjoint parlementaire au ministre des Affaires municipales et du Logement
Colle, Mike (L)	Eglinton-Lawrence	
Conway, Sean G. (L)	Renfrew-Nipissing-Pembroke	
Cordiano, Joseph (L)	York South-Weston / York-Sud-Weston	
Crozier, Bruce (L)	Essex	
<b>Cunningham, Hon / L'hon Dianne (PC)</b>	London North Centre / London-Centre-Nord	Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Curling, Alvin (L)	Scarborough-Rouge River	
DeFaria, Carl (PC)	Mississauga East / -Est	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Di Cocco, Caroline (L)	Sarnia-Lambton	
Dombrowsky, Leona (L)	Hastings-Frontenac-Lennox and Addington	
Duncan, Dwight (L)	Windsor-St Clair	opposition House leader / chef parlementaire de l'opposition
Dunlop, Garfield (PC)	Simcoe North / -Nord	assistant deputy government whip / whip adjoint suppléant du gouvernement
<b>Ecker, Hon / L'hon Janet</b> (PC)	Pickering-Ajax-Uxbridge	Minister of Education / ministre de l'Éducation
Elliott, Brenda (PC)	Guelph-Wellington	Parliamentary assistant to the Minister of Citizenship, Culture and Recreation and minister responsible for seniors and women / adjointe parlementaire à la ministre des Affaires civiques, de la Culture et des Loisirs et ministre déléguée aux Affaires des personnes âgées et à la Condition féminine
<b>Eves, Hon / L'hon Ernie L.</b> (PC)	Parry Sound-Muskoka	Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
<b>Flaherty, Hon / L'hon Jim</b> (PC)	Whitby-Ajax	Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Galt, Doug (PC)	Northumberland	Parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs / adjoint parlementaire au ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Gerretsen, John (L)	Kingston and the Islands / Kingston et les îles	
Gilchrist, Steve (PC)	Scarborough East / -Est	
Gill, Raminder (PC)	Bramalea-Gore- Malton-Springdale	Parliamentary assistant to the Minister of Labour / adjoint parlementaire au ministre du Travail
Gravelle, Michael (L)	Thunder Bay-Superior North / -Nord	
Guzzo, Garry J. (PC)	Ottawa West-Nepean / Ottawa-Ouest-Nepean	
Hampton, Howard (ND)	Kenora-Rainy River	Leader of the New Democratic Party / chef du Nouveau Parti démocratique
<b>Hardeman, Hon / L'hon Ernie</b> (PC)	Oxford	Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
<b>Harris, Hon / L'hon Michael D.</b> (PC)	Nipissing	Premier and President of the Executive Council / premier ministre et président du Conseil exécutif
Hastings, John (PC)	Etobicoke North / -Nord	Parliamentary assistant to the Minister of Transportation / adjoint parlementaire au ministre des Transports
<b>Hodgson, Hon / L'hon Chris</b> (PC)	Haliburton-Victoria-Brock	Chair of the Management Board of Cabinet / président du Conseil de gestion
Hoy, Pat (L)	Chatham-Kent Essex	
<b>Hudak, Hon / L'hon Tim</b> (PC)	Erie-Lincoln	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
<b>Jackson, Hon / L'hon Cameron</b> (PC)	Burlington	Minister of Tourism / ministre du Tourisme
<b>Johns, Hon / L'hon Helen</b> (PC)	Huron-Bruce	Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiques, de la Culture et des Loisirs, ministre déléguée aux Affaires des personnes âgées et à la Condition féminine
<b>Johnson, Bert</b> (PC)	Perth-Middlesex	Deputy Speaker and Chair of the Committee of the Whole House / Vice-Président de la Chambre et Président du Comité plénier de l'Assemblée législative
Kells, Morley (PC)	Etobicoke-Lakeshore	
Kennedy, Gerard (L)	Parkdale-High Park	
<b>Klees, Hon / L'hon Frank</b> (PC)	Oak Ridges	Minister without Portfolio, chief government whip, deputy government House leader / ministre sans portefeuille, whip en chef du gouvernement, leader parlementaire adjoint
Kormos, Peter (ND)	Niagara Centre / -Centre	
Kwinter, Monte (L)	York Centre / -Centre	
Lalonde, Jean-Marc (L)	Glengarry-Prescott-Russell	
Lankin, Frances (ND)	Beaches-East York	
Levac, Dave (L)	Brant	
Marchese, Rosario (ND)	Trinity-Spadina	



Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
<b>Marland, Hon / L'hon Margaret (PC)</b>	Mississauga South / -Sud	Minister without Portfolio (Children) / ministre sans portefeuille (Enfance)
Martel, Shelley (ND)	Nickel Belt	
<b>Martin, Tony (ND)</b>	Sault Ste Marie	Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative
Martiniuk, Gerry (PC)	Cambridge	Parliamentary assistant to the Attorney General and minister responsible for native affairs / adjoint parlementaire au procureur général et ministre délégué aux Affaires autochtones
Maves, Bart (PC)	Niagara Falls	Parliamentary assistant to the Minister of Community and Social Services / adjoint parlementaire au ministre des Services sociaux et communautaires
Mazzilli, Frank (PC)	London-Fanshawe	Parliamentary assistant to the Solicitor General / adjoint parlementaire au solliciteur général
McGuinty, Dalton (L)	Ottawa South / -Sud	Leader of the Opposition / chef de l'opposition
McLeod, Lyn (L)	Thunder Bay-Atikokan	
Molinari, Tina R. (PC)	Thornhill	Parliamentary assistant to the Minister of Training, Colleges and Universities / adjointe parlementaire à la ministre de la Formation et des Collèges et Universités
Munro, Julia (PC)	York North / -Nord	assistant deputy government whip / whip adjointe suppléante du gouvernement
Murdoch, Bill (PC)	Bruce-Grey	
Mushinski, Marilyn (PC)	Scarborough Centre / -Centre	
<b>Newman, Hon / L'hon Dan (PC)</b>	Scarborough Southwest / -Sud-Ouest	Minister of the Environment / ministre de l'Environnement
O'Toole, John R. (PC)	Durham	Parliamentary assistant to the Minister of Consumer and Commercial Relations / adjoint parlementaire au ministre de la Consommation et du Commerce
Ouellette, Jerry J. (PC)	Oshawa	Parliamentary assistant to the Minister of Northern Development and Mines / adjoint parlementaire au ministre du Développement du Nord et des Mines
<b>Palladini, Hon / L'hon Al (PC)</b>	Vaughan-King-Aurora	Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Parsons, Ernie (L)	Prince Edward-Hastings	
Patten, Richard (L)	Ottawa Centre / -Centre	
Peters, Steve (L)	Elgin-Middlesex-London	
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<b>Sampson, Hon / L'hon Rob (PC)</b>	Mississauga Centre / -Centre	Minister of Correctional Services / ministre des Services correctionnels
Sergio, Mario (L)	York West / -Ouest	deputy opposition whip / whip adjoint de l'opposition
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<b>Snobelen, Hon / L'hon John (PC)</b>	Mississauga West / -Ouest	Minister of Natural Resources / ministre des Richesses naturelles
Spina, Joseph (PC)	Brampton Centre / -Centre	Parliamentary assistant to the Minister of Tourism / adjoint parlementaire au ministre du Tourisme
<b>Sterling, Hon / L'hon Norman W. (PC)</b>	Lanark-Carleton	Minister of Intergovernmental Affairs, government House leader / ministre des Affaires intergouvernementales, leader parlementaire du gouvernement
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<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
<b>Tsubouchi, Hon / L'hon David H.</b> (PC)	Markham	Solicitor General / solliciteur général
<b>Turnbull, Hon / L'hon David</b> (PC)	Don Valley West / -Ouest	Minister of Transportation / ministre des Transports
Wettlaufer, Wayne (PC)	Kitchener Centre / -Centre	deputy government whip / whip adjoint du gouvernement
<b>Wilson, Hon / L'hon Jim</b> (PC)	Simcoe-Grey	Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
<b>Witmer, Hon / L'hon Elizabeth</b> (PC)	Kitchener-Waterloo	Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Wood, Bob (PC)	London West / -Ouest	Parliamentary assistant to the Chair of the Management Board of Cabinet / adjoint parlementaire au président du Conseil de gestion
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Frances Lankin, Bill Murdoch  
Clerk / Greffière: Anne Stokes

These lists appear in the first and last issues of each session and on the first Monday of each month. A list arranged by riding appears when space permits.

Ces listes figurent dans les premier et dernier numéros de chaque session et du premier lundi de chaque mois. Par contre, une liste des circonscriptions paraît si l'espace est disponible.

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# Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

# Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

## Official Report of Debates (Hansard)

## Journal des débats (Hansard)

Monday 25 September 2000

Lundi 25 septembre 2000



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Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 25 September 2000

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 25 septembre 2000

*The House met at 1330.  
Prayers.*

## MEMBERS' STATEMENTS

### INTRODUCTION OF MEMBER FOR ANCASTER-DUNDAS- FLAMBOROUGH-ALDERSHOT

**The Speaker (Hon Gary Carr):** I beg to inform the House that the Clerk has received from the chief election officer and laid upon the table a certificate of the by-election in the electoral district of Ancaster-Dundas-Flamborough-Aldershot.

**Clerk of the House (Mr Claude L. DesRosiers):** I have a letter addressed to:

"Mr Claude L. DesRosiers  
"Clerk of the Legislative Assembly  
"Room 104, Legislative Building  
"Queen's Park  
"Toronto, Ontario  
"M7A 1A2."

It reads as follows:

"Dear Mr DesRosiers:

"A writ of election dated the 4th day of August 2000 was issued by the Honourable Lieutenant Governor of the province of Ontario and was addressed to Jean Schemmer, returning officer for the electoral district of Ancaster-Dundas-Flamborough-Aldershot, for the election of a member to represent the said electoral district of Ancaster-Dundas-Flamborough-Aldershot in the Legislative Assembly of this province in the room of Toni Skarica, who since his election as representative of the said electoral district of Ancaster-Dundas-Flamborough-Aldershot has resigned his seat. This is to certify that, a poll having been granted and held in Ancaster-Dundas-Flamborough-Aldershot on the 7th day of September 2000, Ted McMeekin has been returned as duly elected as appears by the return of the said writ of election dated the 15th day of September 2000, which is now lodged of record in my office.

"Warren R. Bailie

"Chief election officer

"Toronto, September 15, 2000."

**Mr Dalton McGuinty (Leader of the Opposition):** Mr Speaker, I have the honour to present to you, and to the House, Ted McMeekin, member-elect for the electoral district of Ancaster-Dundas-Flamborough-Aldershot, who has taken the oath and signed the roll and now claims the right to take his seat.

**The Speaker:** Let the member take his seat.

### DOCTOR SHORTAGE

**Mrs Sandra Pupatello (Windsor West):** Speaker, I ask you, what has changed since June 1995? When I was first elected, my office was besieged with calls about people who couldn't access doctors and couldn't access specialists. Fast-forward to the summer of 2000, and my office was besieged with calls from people who can't access doctors or specialists.

A case in point is Eva, who is 85 years old and suffering from degenerative discs in her spine. She was taken by her daughter to her specialist, from a spring appointment with her family doctor to a fall appointment with a neurosurgeon, except when the daughter, Nancy, took her mother to the specialist, she was there in the wrong year. She was meant to go next year, in September of the year 2001. That is the status of doctors and specialists where I come from.

Nothing has changed after five and a half years of Tory rule in Ontario. Promise after promise, and nothing has changed. Never mind Eva, who may not make it outside of a wheelchair by next year just in seeing a specialist, what are you going to do for the countless other people who deal with this on an ongoing basis? I ask this House to put this issue as a priority, especially for the people like Eva, who live in my riding.

### QUEEN MOTHER

**Mr Ted Arnott (Waterloo-Wellington):** Welcome back, Mr Speaker.

On August 4 this year, Canadians joined the rest of the Commonwealth and the world in wishing a happy 100th birthday to Her Majesty Queen Elizabeth, the Queen Mother.

Throughout her entire life the Queen Mother has always been the epitome of leadership, service and devotion to duty. Hers was a hurried childhood, as the First World War began on her 14th birthday.

As Queen and wife of King George VI, she arrived with her husband in this very chamber in 1939, where the King sat in the Speaker's chair as sovereign of Canada and Ontario, and awarded honours to deserving Ontarians on the eve of the Second World War.

Canadians have always loved and cherished the Queen Mother, and Her Majesty has never kept her special affection for Canada a secret either. Her vision, deter-



mination and confidence are the qualities by which she has captured hearts throughout the world.

On August 4, Her Honour, the Honourable Hilary Weston, Lieutenant Governor of Ontario, and the Honourable Gary Carr, Speaker of the Ontario Parliament, held a great birthday party in honour of the Queen Mother here on the grounds of the legislative precinct. I want to take this opportunity to publicly thank them both for organizing so great a tribute to so great a lady.

On behalf of all my colleagues in the Legislative Assembly, I too wish to add my voice to those of so many in saying, "Happy birthday, Your Majesty, and many happy returns for many, many more years to come."

### LONG-TERM CARE

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** In 1998 this government promised that 144 long-term-care beds would be allocated to Frontenac, Lennox and Addington. Subsequently, Fairmount Home, a not-for-profit facility, applied for some of the beds, but all 96 from the first round were awarded to private facilities.

Just a couple of weeks ago, I met with the Deputy Minister of Health, along with Bill MacDonald, who is the chair of the Frontenac Management Board, with regard to the lack of affordable long-term-care beds. During this meeting we were assured that these concerns would be taken into account when the next rounds of beds were allocated.

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Our concerns will not be addressed, because last week the government announced its intention to reallocate the remaining 48 beds. Eighteen per cent of the population of Hastings-Frontenac-Lennox and Addington is over the age of 65, one of the highest senior populations in the province. Many live on fixed incomes and need access to affordable long-term care. However, not a single not-for-profit bed has been allocated to my riding.

My leader, Dalton McGuinty, highlighted many times a litany of broken promises by this government. Now we add another to the list. Frontenac county was promised long-term-care beds. On behalf of my constituents, I'm asking this government to keep its promise.

### ACTIVITIES IN NORTHUMBERLAND

**Mr Doug Galt (Northumberland):** Over the weekend I ate one of the best-tasting apples I've ever had. I'm sure the others who braved the wet weather and attended this year's Applefest in Brighton will agree that Northumberland has some of the best apples in Ontario.

This past weekend we enjoyed Applefest in Brighton and the Great Farini festival in Port Hope, two of the wonderful events that take place every year in my riding. Northumberland provided an opportunity to taste and experience Ontario agriculture at several fairs and farmers' markets. You could enjoy outdoor concerts in

Brighton's Memorial Park or the Scottish/Irish Festival in Quinte West. You could visit Iron Chief Charlie or the cardboard boat races in Campbellford, listen to A Barnful of Broadway at the Westben Arts Festival Theatre, go to the rodeo at the Warkworth Western Weekend, tour area farms during Rural Rambles, check out classic cars in Cobourg's land yacht regatta, and even tell your friends to go "Take a Hike" in Presqu'ile Provincial Park.

These festivals could only happen with the hard work and dedication of volunteers. Volunteerism is a major aspect of rural life. Northumberland is a leader, county-wide, in volunteerism.

A big thank you and a salute to those many volunteers who dedicate their time and effort to their community, because without them our rural communities would not be the fun and exciting places that many Ontarians like to visit and many others call home.

### CANCER CARE

**Mr Rick Bartolucci (Sudbury):** It's been a very long, exhausting and frustrating summer for cancer patients living in northern Ontario. While Mike Harris spent the summer months improving his golf swing and baiting his lures, cancer patient Janice Skinner, who's in the gallery today, spent her summer fighting for both her health and for justice. In fact, Janice Skinner is in Toronto today, paying her own travel and accommodation in order for her to get cancer treatment.

Gerry Loughheed Jr, former chair of Cancer Care Ontario northeast, and Janice and René Boucher, who formed Ontarians Seeking Equal Cancer Care, continue to fight this government over its unjust, discriminatory policy that believes that cancer patients from northern Ontario should not receive the same amount of money as those in southern Ontario.

Although their pleas have fallen on Mike Harris's deaf ears, voters from across Ontario recognize the injustice and have voiced their concern. During the month of August, Maureen Shaw, a Mississauga high school teacher, cycled her way across Ontario collecting signatures for OSECC's petition, demanding that the Mike Harris government move immediately to right this wrong. Gerry Loughheed Jr, along with people like Maureen Shaw and Janice Skinner, have collected over 51,000 signatures, and the number grows daily.

Beginning today, Gerry, Maureen, Janice and the 51,000 other Ontarians who believe this government believes in health care apartheid will have their petitions entered daily, 100 at a time, until you fix the problem.

### OAK RIDGES MORaine

**Ms Shelley Martel (Nickel Belt):** The protection of the Oak Ridges moraine continues to be a very important public issue. That's why New Democrats believe that full public hearings on our Bill 71, An Act to freeze development on the Oak Ridges Moraine and to amend the Planning Act to increase and strengthen the protection of

natural areas across Ontario, must occur as soon as possible.

On June 1 this bill was debated and passed second reading. It was referred to the general government committee. The government also referred Bill 101 to the same committee this summer, and public hearings were held on that instead. But clause-by-clause consideration of Bill 101 will soon be complete. I am therefore calling on the Chair of the committee, Steve Gilchrist, and all committee members to support a recommendation to hold public hearings on Bill 71 next.

Bill 71 does two important things: Firstly, it imposes a development freeze on the Oak Ridges moraine. This will remain in place until the government issues a policy statement under the Planning Act to direct how the moraine will be dealt with in the long term.

Secondly, the bill amends the Planning Act to guarantee that environmental protection is front and centre in decisions involving development in Ontario. Decision-makers at all levels will have to ensure that decisions involving planning matters "shall be consistent ... with policy statements issued" by the provincial government.

In light of the ongoing concern regarding protection of the Oak Ridges moraine, and with the quality of water and security of water generally in Ontario, it's time for full public hearings on the NDP's Bill 71. I trust the committee and the government will proceed with these as soon as possible.

#### GRIMSBY CENOTAPH

**Mr Brad Clark (Stoney Creek):** I'd like to welcome all the members back to the House. I'd like to inform this House that on September 17 the Royal Canadian Legion Branch 127 in Grimsby celebrated the unveiling of its cenotaph on the grounds of the Grimsby Museum. This cenotaph will speak silently to present and future residents of the community and to visitors from near and far. It will remind everyone of the consequences of war and the need to preserve the peace.

The unveiling ceremony was very poignant and powerful. As Jack Hendricks, the legion's cenotaph committee chair, put it, "It came 50 years too late, but we sure did it right." In addition to Mr Hendricks, many individuals worked hard for over two years to see this project through. They include committee members Bernard Prévost, John Threader, Doreen Brown, Dan Moore, Colleen Lavadiere and Claire McCausland, a student architect who produced the cenotaph design.

Two honour blocks will accompany the structure now in place, and they are scheduled to be unveiled shortly. They will contain the names of those from Grimsby and the surrounding community who paid the ultimate sacrifice, their lives, to fight tyranny and preserve the freedom we all cherish. They will never be forgotten.

I congratulate the members of the Royal Canadian Legion Branch 127 and look forward to observing this year's Remembrance Day with them in Grimsby.

#### VICTORIAN ORDER OF NURSES

**Mr Dominic Agostino (Hamilton East):** In the Hamilton area, over 200 VON nurses have now been on strike for the fourth week to protest and go after this government for equal funding, for fair funding and for better care for their patients. Many of these nurses are with us today. The VON has provided outstanding service over 100 years in the Hamilton area. An average nurse who works with the VON makes \$7 an hour less than the same nurse in a hospital setting across this province. It is a discrepancy that you must address.

The funding announcement made earlier by the minister falls inadequately short of what is needed: over \$3 million less than what the CCAC has asked for in Hamilton for the upcoming budget year. In the last two years there has been a 45% increase in the number of visits but less than a 25% increase in the money allocated to enable these visits to be carried out. In order for them to meet the budget you have given them, it would mean 1,000 fewer visits per day in the Hamilton area. They are not willing to sacrifice their patients the way you are with your inadequate funding.

This government has the power today to come forward and put on the table the money necessary to ensure that the nurses do what they want to do, and that is go back to work with their patients. They're professionals and they're dedicated. You have shortchanged them. This government has literally screwed the nurses who have worked hard to look after patients. It's time to fix this, and fix it once and for all.

#### PALERMO ATHLETICS

**Mr Ted Chudleigh (Halton):** I want to take this opportunity to congratulate the Palermo Athletics, a men's AA fastball team, on their recent eastern Canadian fastball championship, won in Moncton, New Brunswick.

Led by four Miltonians, the Palermo team, out of north Oakville, claimed the title with a 6-1 record in the double-knockout event. Winning the title required two straight wins over Nova Scotia, with the ultimate game an 8-7 nail-biter.

In the final game, Milton's Darryl Herbert hit an eighth-inning homer to complete the comeback. Miltonians Tim Lamers and Larry Withnell also had key hits in the victory.

The eastern Canadian win comes on the heels of a strong seventh-place finish from among 48 teams in the world series AA North American Championships, held in Fargo, North Dakota.

Congratulations to the Palermo Athletics on a really great season in the year 2000.

**The Speaker (Hon Gary Carr):** Point of order, the member for Hamilton West.

**Mr David Christopherson (Hamilton West):** I seek unanimous consent to have an emergency debate today on the strike and the crisis of the VON workers and on



home care in general in Hamilton and across the province.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

1350

## ROYAL ASSENT SANCTION ROYALE

**The Speaker (Hon Gary Carr):** I beg to inform the House that on Friday, June 23, in the name of Her Majesty the Queen, His Honour the Acting Administrator was pleased to assent to certain bills in the Lieutenant Governor's office.

**Clerk Assistant (Ms Deborah Deller):** The following are the titles of the bills to which His Honour did assent:

Bill 67, An Act to proclaim German Pioneers Day /  
Projet de loi 67, Loi proclamant le Jour des pionniers allemands;

Bill 132, An Act to adopt an official tartan for Ontario /  
Projet de loi 132, Loi visant à adopter un tartan officiel pour l'Ontario;

Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act, 1996 /  
Projet de loi 68, Loi à la mémoire de Brian Smith modifiant la Loi sur la santé mentale et la Loi de 1996 sur le consentement aux soins de santé;

Bill 72, An Act to pay a dividend to Ontario taxpayers, cut taxes, create jobs and implement the Budget /  
Projet de loi 72, Loi visant à verser un dividende aux contribuables de l'Ontario, à réduire les impôts, à créer des emplois et à mettre en oeuvre le budget;

Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience /  
Projet de loi 74, Loi modifiant la Loi sur l'éducation pour rehausser la qualité de l'éducation, accroître la responsabilité des conseils scolaires devant les élèves, les parents et les contribuables et enrichir l'expérience scolaire des élèves;

Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act /  
Projet de loi 81, Loi visant à accroître le respect et le sens des responsabilités, à fixer des normes pour garantir la sécurité des conditions d'apprentissage et d'enseignement dans les écoles et à modifier la Loi sur la profession enseignante;

Bill 86, An Act to establish the Association of Professional Geoscientists of Ontario /  
Loi visant à établir l'Ordre des géoscientifiques professionnels de l'Ontario;

Bill 87, An Act to amend the Public Inquiries Act /  
Projet de loi 87, Loi modifiant la Loi sur les enquêtes publiques;

Bill 91, An Act to require the mandatory reporting of severely damaged vehicles to counter motor vehicle fraud and theft /  
Projet de loi 91, Loi exigeant la déclaration

obligatoire des véhicules gravement endommagés afin de lutter contre la fraude et le vol des véhicules automobiles;

Bill Pr3, An Act respecting Peterborough Regional Health Centre;

Bill Pr5, An Act respecting the Ross Memorial Hospital;

Bill Pr16, An Act to incorporate Talpiot College;

Bill Pr19, An Act respecting Redeemer Reformed Christian College;

Bill Pr20, An Act respecting Ner Israel Yeshiva College;

Bill Pr21, An Act to revive 1264030 Ontario Inc;

Bill Pr22, An Act respecting the Town of Greater Napanee;

Bill Pr24, An Act respecting Huron University College.

## ELECTORAL DISTRICTS

**The Speaker (Hon Gary Carr):** I beg to inform the House of the name changes of four electoral districts, occasioned by the passage of Bill C-473 by the House of Commons and the Senate of Canada, which received Royal Assent on June 29.

Effective that date, the electoral district of Wentworth-Burlington became Ancaster-Dundas-Flamborough-Aldershot, the electoral district of Bruce-Grey became Bruce-Grey-Owen Sound, the electoral district of Carleton-Gloucester became Ottawa-Orléans and the electoral district of Broadview-Greenwood became Toronto-Danforth.

## SPECIAL REPORT, ENVIRONMENTAL COMMISSIONER OF ONTARIO

**The Speaker (Hon Gary Carr):** I further beg to inform the House that on Thursday, July 27, 2000, the special report of the Environmental Commissioner on the protection of Ontario's groundwater and intensive farming was tabled.

## QUEEN MOTHER

**The Speaker (Hon Gary Carr):** I further beg to inform the House that on August 4, Her Majesty Queen Elizabeth, the Queen Mother, conveyed thanks to the members of the assembly for our greetings sent to her on the occasion of her 100th birthday.

## ANNUAL REPORT, CHIEF ELECTION OFFICER

**The Speaker (Hon Gary Carr):** I further beg to inform the House that on August 30, the 1999 annual report of the Chief Election Officer, under the Election Finances Act, was tabled.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon Gary Carr):** I beg to inform the House that during the recess the Clerk received the 11th and 12th reports of the standing committee on government agencies. Pursuant to standing order 106(e)(9), these reports are deemed to have been adopted by the House.

### STANDING COMMITTEE ON PUBLIC ACCOUNTS

**Mr John Gerretsen (Kingston and the Islands):** I beg leave to present a report on the office of the public guardian and trustee from the standing committee on public accounts and move the adoption of its recommendations.

**The Speaker (Hon Gary Carr):** Does the member wish to make a brief statement?

**Mr Gerretsen:** First of all, I'd like to thank all of the staff who were involved in the report, as well as the committee members. It's the third report that has been presented by the committee. It's a unanimous report. If its recommendations are adopted by the government agency involved, hopefully it will improve the operations of the office, particularly for those Ontarians who will be dealing with this office.

With that, I move the adjournment of the debate.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Reports by committees?

**Mr Gerretsen:** I beg leave to present a report on Cancer Care Ontario from the standing committee on public accounts and move the adoption of its recommendations.

**The Speaker:** Does the member wish to make a brief statement?

**Mr Gerretsen:** Again I'd like to thank all those people who were involved in the report, both the staff and the committee members. It is the fourth report from the committee, and again it was a unanimous report. If adopted by the government and by the Ministry of Health and Cancer Care Ontario, it will undoubtedly improve the condition of those people who are suffering from cancer in this province.

With that, I move the adjournment of the debate.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

### SPEAKER'S RULING

**The Speaker (Hon Gary Carr):** On Tuesday, June 20, the member for Parkdale-High Park, Mr Kennedy, provided me with written material intended to supplement another point he had originally raised earlier in June

and on which I delivered a ruling on June 21. The earlier point did not specifically address this new supplementary material.

The earlier point related to radio advertisements placed by the government on the subject of Bill 74, the Education Accountability Act. The supplementary material deals with a memorandum from the assistant deputy minister of education to directors of education throughout the province, also on the subject of Bill 74.

The member for Parkdale-High Park asserted that the terminology used by the assistant deputy minister in the memorandum was definitive in its description of the changes being made in the education system and did not qualify that those changes still required the passage of Bill 74, the bill that was in the standing committee on justice and social policy, and was in fact 11 days away from its eventual passage and 14 days from royal assent.

As a result, the member alleged that the memorandum presumed the outcome of public hearings still in progress and presumed that the bill would not only be passed by the House, but without further changes. Reference is made to a 1997 ruling by Speaker Stockwell in which he found that the government advertisement which similarly conveyed that a legislative outcome was a foregone conclusion constituted a *prima facie* contempt of the House. The member concluded that the current memorandum does the same and is therefore a similar violation of privileges.

I have carefully reviewed the memorandum in question. It does indeed use language that fails to convey the conditions that still must be met before changes it describes will be in effect, that is, the remainder of the legislative process and ultimately the approval by the House at third reading. It does not do so in a way that contemptuously dismisses the Legislature's superior role, since it makes no reference to that role at all. That, though, is an important point: in many previous instances, previous Speakers have warned that care must be taken when describing proposed legislative changes to ensure they are described as just that—proposed changes which have not received legislative sanction. It is regrettable that we continue to see such communications as the one at hand. The member for Parkdale-High Park has certainly identified a genuine grievance, and I will again issue a caution to the civil servants on this count.

Notwithstanding my concern, however, I find that the memorandum in question does not constitute a *prima facie* contempt or a violation of the member's privileges.

1400

In the first instance, unlike the broad-spectrum government advertising, the audience for this memo is not, strictly speaking, a public one. It is a group of education insiders, administrators with a specific need for the information being conveyed to them. This group would or should know that proposed changes were in the system but still subject to final approval, even though the memo did not say so.

Secondly, this group would indeed need to commence plans to implement the proposed changes, even if only on



a contingency basis, on the supposition that they would pass the Legislature and would be in effect at the start of the following school year.

Thirdly, and most importantly, the same requirement to plan in advance applies to staff at the Ministry of Education, who were obligated to ensure that their partners in the education system were aware of the details of the proposed changes so that prudent planning would take place. Even though they were still being formally made, planning for such changes is a legitimate and necessary activity.

Speaker Edighoffer said in a similar situation, on page 273 of the Journals for December 20, 1989, "It is perfectly valid for the public service to proceed with plans based on a bill that is already in the system, in order to be able to act swiftly once the bill becomes law."

Though it unfortunately fails to account due deference to the Legislative Assembly and the legislative process, of which I strongly disapprove, the memorandum does represent a legitimate activity as described by Speaker Edighoffer.

I therefore find that a *prima facie* case of privilege has not been made out and I thank the member for his participation.

## INTRODUCTION OF BILLS

### VICTIMS' BILL OF RIGHTS AMENDMENT ACT 2000

#### LOI DE 2000 MODIFIANT LA CHARTE DES DROITS DES VICTIMES D'ACTES CRIMINELS

Mr Flaherty moved first reading of the following bill:

Bill 114, An Act to amend the Victims' Bill of Rights, 1995 / *Projet de loi 114, Loi modifiant la Charte de 1995 des droits des victimes d'actes criminels.*

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The Attorney General for a brief statement?

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** This legislation, if passed, would permanently establish the Office for Victims of Crime. This office plays a pivotal role in helping victims of crime deal with a sudden and painful turn of events in their lives. The new Office for Victims—

*Interjections.*

**The Speaker:** Order. I know it's the first day back, but we do need to hear other members when they are introducing bills. There will be plenty of time during question period to yell out.

*Interjection.*

**The Speaker:** The member for Niagara, come to order, please. When the Speaker is up, stop speaking, please.

I apologize. Attorney General.

**Hon Mr Flaherty:** The new Office for Victims of Crime would provide advice on ways to ensure that the principles set out in the Victims' Bill of Rights are respected, legislation policy and practice is relevant to victims of crime, the development of provincial standards—

*Interjection.*

**The Speaker:** The member for Niagara, come to order, please.

Attorney General.

**Hon Mr Flaherty:** —for victims' services and the use of the victims' justice fund. As Attorney General, I will be seeking to assign the new agency special tasks that will reinforce its bonds with victims. Creation of a permanent Office for Victims of Crime keeps our government's Blueprint promise to create such an agency and fulfills our budget commitment of \$1 million to support the office. Thank you.

### OAK RIDGES MORAINÉ CONSERVATION, PROTECTION AND PROMOTION ACT, 2000

#### LOI DE 200 SUR LA PRÉSERVATION, LA PROTECTION ET LA PROMOTION DE LA MORAINÉ D'OAK RIDGES

Mr Colle moved first reading of the following bill:

Bill 115, An Act to conserve and protect the Oak Ridges Moraine by stopping urban sprawl and uncontrolled development and promoting recreational, commercial and agricultural activities that are environmentally sustainable / *Projet de loi 115, Loi visant à préserver et à protéger la moraine d'Oak Ridges en mettant fin au mitage et à l'aménagement désordonné et en favorisant des activités récréatives, commerciales et agricoles saines de l'environnement.*

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Mike Colle (Eglinton-Lawrence):** It is my pleasure here today, along with dozens of people from the Oak Ridges moraine who are here today in the gallery—

*Applause.*

**The Speaker:** Order. If the member could just take his seat, please. I just want to remind all of our guests we're obviously very pleased to have you here, but the members in the gallery should know unfortunately there is no clapping allowed in the House. Many of you probably don't know that, but I did just want to point that out and I would appreciate it if all members of the gallery would refrain from clapping. I know it's something that is hard not to do on occasion, but I would ask all members of the gallery to please abide by the rules of the House.

I'm sorry to interrupt the member. The member for a short statement?

**Mr Colle:** Thank you, Mr Speaker. This bill puts forward a temporary freeze on development on the Oak Ridges moraine from Port Perry all the way to the Caledon Hills. It puts this freeze in place until a protective plan can be put in place, and then this plan would be protected by a stewardship body that would ensure that the development on the moraine could not proceed unless it met the criteria of environmental sustainability.

This bill also recognizes the beauty and the recreational potential of the Oak Ridges moraine that are sustainable and the agricultural potential that is sustainable. It asks that this beauty be promoted, that there be ecotourism, that there be sustainable businesses like apple orchards, that there be hiking and fishing, that all these good activities could take place in the moraine as a result of this legislation.

I'm more than proud to stand up and say save, don't pave the Oak Ridges moraine.

#### INTERCOUNTRY ADOPTION AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LA LOI SUR L'ADOPTION INTERNATIONALE

Mr Cordiano moved first reading of the following bill:

Bill 116, An Act to amend the Intercountry Adoption Act, 1998 / Projet de loi 116, Loi modifiant la Loi de 1998 sur l'adoption internationale.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Joseph Cordiano (York South-Weston):** Thank you, Mr Speaker. This bill is necessary, unfortunately, because the government has refused to do away with the dreaded \$925 head tax it imposes on couples wishing to adopt from other countries, so we repeal clause 19(c) of the Intercountry Adoption Act, 1998. That clause provides the director with the authority to charge for expenses he or she incurred in connection with the intercountry adoption.

A new section is also added to the act which prohibits the government of Ontario from varying the amount it charges for intercountry adoptions solely on the basis of where the adoption will be finalized.

**The Speaker:** I apologize to the member. Apparently, in reading out the title I said "intercounty" and it should be "intercountry." I apologize for that mistake and correct the record.

1410

**Ms Marilyn Churley (Toronto-Danforth):** Mr Speaker, on a point of order: I ask for unanimous consent that the Oak Ridges Moraine Conservation, Protection and Promotion Act be given second reading and that it be referred to the general government committee to be considered along with the NDP Oak Ridges moraine bill, Bill 71, which has passed second reading and which I

know the member supports, despite the Liberal cat-calling.

**The Speaker:** Is there unanimous consent? I heard some noes.

#### MOTIONS

**Hon Frank Klees (Minister without Portfolio):** Mr Speaker, I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon Gary Carr):** Agreed? Agreed.

#### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon Frank Klees (Minister without Portfolio):** I move that notwithstanding standing order 96(d), the following changes be made to the ballot list for private members' public business:

That Ms Lankin and Ms Churley exchange places in order of precedence, Mr Bradley and Mrs Bountrogianni exchange places in order of precedence, Mrs Munro and Mr Young exchange places in order of precedence, Mr Kennedy and Mrs McLeod exchange places in order of precedence;

That Mrs Molinari, Mr Guzzo and Mr Tascona exchange places in order of precedence such that Mrs Molinari assumes ballot item 57, Mr Guzzo assumes ballot item 39 and Mr Tascona assumes ballot item 53; and

Pursuant to standing order 96(g), notice be waived for the following ballot numbers: 35 through 38 inclusive.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Howard Hampton (Kenora-Rainy River):** Mr Speaker, on a point of order: I'm asking for unanimous consent. As we know, education in this province is in a growing crisis because of the actions of the Minister of Education. Ontario will lose 2,000 teachers this year, increased workloads are forcing teachers to limit their extracurricular activities and some children who need remedial help are being denied that help.

In view of these issues, I seek unanimous consent from this House to allow the Minister of Education to explain how she intends to resolve these problems.

**The Speaker:** Is it the pleasure of the House? I heard some noes.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

#### GOVERNMENT'S AGENDA

**Hon Michael D. Harris (Premier):** Mr Speaker, more to do to keep Ontario strong: that was the basis of the agenda we laid before the people of this province



during the 1999 election, and that we presented to this Legislature during last year's throne speech. It is an agenda based on continued progress, not complacency; on sustained growth, not the status quo. For even though Ontario was back on track and our economy was strong, we realized we could not take success for granted.

This afternoon I want to report on what has been accomplished already and, more importantly, on what lies ahead. If I were to sum up our plan in one paragraph, it would be this: we are keeping our promises, we are honouring our commitments, we are doing what we said we would do and we will continue to do so.

The provincial budget has been balanced, just as we said. Taxes have been cut, just as we promised. More than 725,000 new jobs were created in less than five years, just as the Common Sense Revolution predicted. Teacher testing is being introduced. Work for welfare has been implemented. Health funding has increased, exactly as we promised.

To speak of these accomplishments as the achievements of government is to miss, though, their impact on people. These really are the successes of individual Ontarians. We are back on track toward our campaign Blueprint's target of an additional 825,000 net new jobs. Last month another 6,635 men, women and children broke free from welfare dependency. That's the 31st straight month in which welfare rolls have declined and reflects more than 535,000 personal victories off the welfare rolls since 1995.

Each and every one of these success stories reminds us of our fight, in the face of great opposition, to restore the principle of work for welfare, an extension of the great Canadian work ethic that built this great country.

The strides Ontario has made over the past five years have in fact been inspiring, but we can't confuse progress with victory. While much has been accomplished, there is still much to do.

When we took office in 1995, Ontario's deficit approached \$11 billion. In response, we made dramatic changes, putting our fiscal house in order, identifying savings, doing better with less. We did this at the same time as we cut taxes—cut taxes to create jobs, to keep the economy strong and to return to taxpayers more of their hard-earned money. We stuck by our plan and the people of Ontario stood with us. This past May we announced the first back-to-back balanced budgets in more than 50 years. We are now enjoying a surplus and we are now paying down debt.

Our priority remains to increase take-home pay and to make families better off. Starting October 6, taxpayers will receive dividend cheques returning their share of last year's excess surplus, a surplus that belongs to hard-working taxpayers.

This fall we will introduce legislation to establish a made-for-Ontario tax system, one that allows us to cut taxes without federal interference. We will continue to eliminate job-killing regulations. We will introduce red tape legislation, expanding on the 12 bills that have already been passed.

The job of fixing government, of making it more effective, has only just begun. We will take further action to ensure taxpayers' money is spent wisely.

All levels of government must deliver services as efficiently as possible. We believe all municipal councils should be free to contract out the delivery of services, providing they honour their collective agreements. This fall the province will introduce legislation to transfer full responsibility for the administration of social housing to municipalities, giving them the say for pay and the ability to make local decisions on housing needs.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order.

**Hon Mr Harris:** Consistent with our Blueprint commitment, we will introduce legislation that would allow hard-working union members to learn how much of their dues are spent on the salaries and benefits of top union officials. Proposed legislation would also strengthen the right of individual workers to decide if they want to be represented by a union.

Following consultations on whether and how the Employment Standards Act might be updated, the Minister of Labour will introduce legislation to reflect the realities of the 21st century workplace.

Not only must government perform its job effectively; it must also know—

*Interjections.*

**The Speaker:** Order. Premier, take his seat.

We're going to start off on the first day and set the rules very clearly. If I cannot hear the minister during the ministers' statements, I'm going to have to interrupt them. It seems as if we're going to have to be quick off the mark. I would ask for everybody's indulgence. We might not even get to question period before we name people, but we're not going to continue on shouting across like this. It's as simple as that.

1420

I've said on numerous occasions that the people of this province expect us to come here—there is going to be some lively debate, but shouting across where no one can hear him is not what the people of this province want, and it's not going to happen in here.

I don't want to start off even before question period with a blanket warning to everybody, so we're going to ease into it, but I would say to all members that I cannot hear the Premier speaking, and we are not going to continue as long as I cannot hear the Premier speaking. I'm close enough that I should be able to hear him, and all members—it seems in rotation—on the opposition side are yelling. We're not going to put up with this in this session. I say this to all the members.

I apologize for the interruption, Premier.

**Hon Mr Harris:** Thank you, Mr Speaker.

Not only must government perform its job effectively; it must also know when something is not its job. The cabinet committee on privatization and SuperBuild will continue to actively review and evaluate everything that government owns and all services that we provide. Following examples like the Bruce nuclear plant and the

new Penetanguishene correctional facility, we will continue, where safety and high standards are met, to outsource, to contract out and to privatize. This is the only way to eliminate public sector monopolies that cost taxpayers hard-earned dollars.

Through the SuperBuild Corp, we are also—

*Interjection.*

**The Speaker:** Order. Would the Premier take his seat.

I would ask the member to withdraw that. I heard exactly what he said. I would ask the member to withdraw that. It is not appropriate to yell those things across the House, especially on the first day as we are getting into it. Confrontational words like that are not acceptable any time, especially at the beginning.

*Interjections.*

**Mr Dave Levac (Brant):** Speaker, would you hear my point, please.

*Interjections.*

**Mr Levac:** Speaker, what was the word?

**The Speaker:** The word was "liar."

**Mr Levac:** I did not say "liar."

*Interjections.*

**The Speaker:** I thought he said—would the member take his seat. Order. That's what happens when people get shouting back and forth. It's very difficult to hear people.

Premier, continue. I apologize for the interruption.

**Hon Mr Harris:** Thank you, Mr Speaker.

Through the SuperBuild Corp, we are also investing in Ontario's future through projects which, when completed, will improve our quality of life, increase competitiveness and create even more jobs.

A strong economic plan combined with a vision for a prosperous Ontario allows our government to proceed with long-overdue investments in our province's capital infrastructure. In the budget, we invested more than \$1 billion for health care capital, committed \$1 billion to expand and improve Ontario's highways, and provided \$1 billion for colleges and universities, to help create more than 73,000 new spaces for Ontario students. We are preparing for significant growth in this new economy, and we are determined to give our young people the skills they need for the hundreds of thousands of new jobs we will help to create in the years to come.

As a result of all these investments, this fall we will move forward with construction projects on a scope not seen in decades.

Keeping our streets safe is among our most important priorities. Families have the right not just to be safe, but to feel safe.

We can and we must do more to protect those who live in the shadow of domestic violence. Later this week, the Attorney General will introduce legislation that would lead to tougher consequences for abusers and provide better protection for victims.

We will introduce legislation that would protect the public and police from the misuse of imitation firearms.

With the failure of the federal Liberal government to improve the Criminal Code to combat organized crime,

we will introduce our own legislation to fight this growing problem.

Today we introduced legislation that would formally establish the Office for Victims of Crime and give victims a greater voice in the criminal justice process.

We will further reform our prison, parole and probation system, introducing legislation that would impose tougher supervision for all offenders, respond strictly when probationers, parolees and prisoners use illegal drugs, and crack down on violent inmates. Serving time for breaking the law should be a form of punishment, not a free ride. We are introducing changes to teach criminals that their actions have consequences.

Ontario is blessed with forests and valleys and lakes and rivers, but we must be responsible stewards of this living legacy. That's why we will dramatically increase the number of parks and protected lands through our Living Legacy program. In addition, we will take steps to encourage revitalization of abandoned industrial areas that could become green spaces and integral parts of our communities.

Events in Walkerton serve as a wake-up call. Ontario families have every right to expect that the water coming out of their taps is drinkable and that it is safe. That didn't happen in Walkerton, where we still don't know exactly what went wrong or why. We need to ensure this doesn't happen again. That's why we appointed Justice Dennis O'Connor to conduct an independent inquiry.

While we await the judge's findings, we are already making changes designed to help prevent problems like this in future. Last month we strengthened water protection rules. Last week the Minister of the Environment reported on the many other steps we are taking. This fall we intend to set clear rules for small waterworks, ensure responsible agricultural practices and increase penalties for those who pollute the environment. In June we appointed a management expert to review the operation of the Ministry of the Environment and make recommendations for improvement.

We have also offered compensation to the victims of the Walkerton tragedy. The plan is no-fault, meaning victims need not prove liability, as they would have to do in court. Our offer is intended to provide a fair and fast out-of-court option to get money in the hands of those who need it as soon as possible.

Parents, government, communities, businesses—indeed, everyone in society—have a responsibility to ensure that all children get the best possible start in life. Already we have taken a leadership role in early child development. But this is only the beginning of our efforts to help children succeed.

We also understand the importance of a quality education for our children's future. This fall, however, our students are yet again threatened with teachers' strikes. We have been fair and we have been reasonable. We want to ensure that classrooms are not disrupted.

First, while establishing clear standards regarding the time teachers spend in the classroom, we have provided flexibility on how these standards can be met.



Then we accepted the union leaders' good faith that they would not withdraw co-instructional activities. We have not proclaimed sections of the Education Accountability Act which would have made it mandatory that teachers perform these duties. Teachers' unions may disagree with our government and our education reforms, but they should not be using students as pawns. They can oppose us, as they did in the last election, without punishing students.

We are determined to continue to improve education standards. This fall we will move forward with the implementation of comprehensive province-wide teacher testing. Our code of conduct sets clear rules of behaviour, and now we will start implementing new strict-discipline schooling programs for those who choose to seriously disrupt our classrooms. We will introduce legislation to promote excellence throughout the post-secondary system by giving students and parents the opportunity to choose privately funded institutions.

Ensuring access to quality health care still remains our most pressing concern. We inherited a system on the road to bankruptcy and disarray, so we launched an aggressive reform plan to meet Ontario's changing health care needs. We've increased provincial health spending dramatically. But as a son and as a parent, I know that we must do better. Our plan is working, but the health care system must be strengthened to meet the needs of an aging and of a growing population.

We'll continue to expand our hospitals and emergency rooms. We'll build new cancer and cardiac centres. We'll strengthen our internationally recognized mental health services. We're working to create 20,000 new long-term-care beds, the first since 1988. Inspired by recent news that Ontario's rate of organ donation has increased by 40% from last year, we'll act to continue to improve our organ donation system. Working with physicians and nurses, we'll continue primary care reform. Our goal is 24-hour, seven-day access to primary health care for everyone in Ontario.

For five years our innovative health reforms have led the nation, despite billions of dollars of federal cuts. I'm here today to tell you that without Ontario's leadership, the federal Liberals would never have reversed their cuts, never have restored the money; the recent agreement between Ottawa and the provinces would not have been reached. That's why we make absolutely no apologies for standing up to the federal government—

*Interjections.*

1430

**The Speaker:** Order. Would the Premier take his seat. Stop the clock, please. Order.

Sorry for the interruption. Premier?

**Hon Mr Harris:** Thank you, Mr Speaker. That's why, as I said, we make no apologies for standing up to the federal government for better health care. Even now, Ottawa will still fund less of health care than it did seven years ago.

*Interjections.*

**The Speaker:** Would the Premier take his seat. This is an official warning, the member for Windsor-St Clair, his last warning. Premier.

**Hon Mr Harris:** As I said, even now Ottawa will still fund less of health care than it did seven years ago when it had a massive budget deficit.

We will continue to lead the way in getting Ottawa to pay its fair share of health care funding. As always, we will continue to keep our promises. We will do what we said we would do, not just to be able to say that we kept our promises but because, once kept, these promises will build a stronger Ontario.

Our revolutionary spirit endures, but not as an end in itself. Instead, it reflects our determination to fight for what's important to Ontario families: more efficient government, lower taxes, more jobs, safer streets, better environmental protection, higher education standards and better health care. That's what Ontario families have told us matters to them. That is, then, what matters to us, and that's what we will deliver.

The opposition and the special interests want to take Ontario backward, but we are moving forward to build a province that attracts investment and provides a better quality of life for hard-working middle-class families. This session, this fall, the Common Sense Revolution continues. The work of fixing government, the work of reforming government and of improving government, goes on, because even after five years there is still so much more to do.

**The Speaker:** Responses?

**Mr Dalton McGuinty (Leader of the Opposition):**

Mr Speaker, I can tell you that we on this side of the House are indeed very happy to be back in the House, because this is where we can best fight on behalf of the hard-working families who elected all of us, and what those families tell us they want is clean air, clean water and clean government. That's exactly what we're fighting for.

Three months have passed since we gathered here, and the people of Walkerton are still without clean and safe drinking water. Three months have passed and our air is still making Ontarians, but especially our children, sick. Three months have passed and the government continues to waste millions of taxpayer dollars on partisan political advertising. Unsafe water, dirty air and a filthy waste of taxpayers' money: that is what the Harris government has left for the people of this province.

Now the Premier would have us believe that the government is back on its feet and that he's back to work after the longest vacation in Ontario's political history. Well, we're not buying it. What we have here is a government that is on the run: on the run from its own record, on the run from the worst environmental disaster in Ontario's history, on the run from the continuing and mounting crisis in our emergency wards, on the run from the turmoil that he's created in our schools.

This government, by its own admission, has no vision, no direction and no agenda. In a word, this government is adrift. So instead it runs ads, millions of dollars worth of

ads, wasting millions of dollars in taxpayers' money. Do you know why they're doing that, Mr Speaker? Because when you're all spin and no substance, you've got to do a heck of a lot of spinning. This government has been very busy spinning the media lately, particularly when it comes to the law-and-order agenda. They are doing this not out of any sincere concern for public safety, but in an attempt to paper over a lack of vision.

Let's be clear on the subject of public safety. We on this side are all for law and order, but let's see some meaningful reforms. This government is all talk and no action when it comes to law and order. It would rather pass the buck to Ottawa than pass meaningful reforms. When we speak of crime in this session, let us do everything we can to ensure that the punishment handed out is swift and just, but let us also match the punishment with real prevention.

I note with interest that the Premier is following our lead to ban phony guns in Ontario, and I ask the Premier, if he is so genuinely dedicated and committed to that purpose, that he then pass my colleague Michael Bryant's bill, which received unanimous agreement on second reading. If the Premier chose to do so, we could make that law today.

Why not take law and order a step further? Why don't we pass a law that restores order to the protection of our drinking water and our air? Why don't we pass a law that will stop the fighting and put in place funding that will restore order to our schools? Why don't we pass a law and put in place modern reforms that will restore order to our health care system? That would be a real vision for Ontario, instead of passing the buck and papering over failures with millions of dollars in advertising.

In this session, Ontarians are going to see a real difference between a government that is running from its mistakes and Ontario Liberals who are fighting for hard-working families and the things they absolutely need to be able to count on: good schools, dependable health care, clean air, clean water and clean government. The people of Ancaster-Dundas-Flamborough-Aldershot recognize the difference. Now all Ontarians will have the chance to see the Ontario Liberals fight for them, and that's why we are thrilled to be back here.

**Mr Howard Hampton (Kenora-Rainy River):** We wondered what was happening to the Premier down in Sydney, Australia. I think it's pretty apparent now that he got too much sun. What's obvious is that this is a government that has come here today determined to evade and avoid dealing with the real problems of people in Ontario.

Premier, you talk a lot in your speech about punishment, but people in Ontario want to see some prevention. They want to see a government take action on clean water before six people die and 2,000 people are rendered ill. They want to see a government bring forward a safe drinking water act, but there's no mention of it here. Well, Premier, there is a Safe Drinking Water Act. It's been brought forward by my colleague Marilyn Churley. We're going to vote on it this Thursday. Will

you and your members be there to vote for a Safe Drinking Water Act for Ontario on Thursday?

Premier, you also talk about punishment and law and order, but there was a whole group of women here last week; 80 women's groups came to talk to this government about preventing violence against women and children, and not one member of the government was prepared to talk to them. Preventing violence against women, preventing violence against children, ensuring that it doesn't happen, and your government didn't even have the gumption to meet with them.

There are people across this province who want to see action to deal with the developing nursing crisis. Nothing. We have more communities than ever in this province that cannot find an adequate number of physicians, and what do we get from this government? A press release, another press release, another press release.

**1440**

We find out today that cancer patient waiting lists for treatment are growing longer and longer. Does this government have an agenda? No, just another press release. We know that cancer patients in northern Ontario, who are regularly having to travel six and seven hours, who in many cases have to fly here to Toronto to get cancer treatment, are told by this government, "Pay for it yourself out of your own pocket." But if you happen to be from one of the cabinet ministers' ridings, if you happen to be from Mississauga or Scarborough, the Minister of Health will pay for the full shot: the air fare, the taxi, the food allowance, everything—

*Interjection.*

**Mr Hampton:** —and this from a government that has to acknowledge it's got a \$3.5-billion surplus—

**The Speaker:** Order. Stop the clock. Member take his seat. I would ask the member for Brampton to withdraw that.

**Mr Joseph Spina (Brampton Centre):** I withdraw.

**Mr Hampton:** And then, Speaker, this government talks about how it's going to invest in early childhood education. Well, Premier, I'd be happier if you had invested a while ago, because while you were in Sydney, an 18-month-old child drowned in an unlicensed, unregulated child care centre, the kind of unlicensed, unregulated child care that your government is trying to push on more and more parents in this province.

Premier, you've got a \$3.5-billion surplus. Why not make a real investment in children in this province? Ensure that when they go to child care, it's a licensed, regulated child care centre that follows the rules of health and safety for our children. That is really dealing with the issues that confront families and parents.

Then, this government is going to put forward changes to the Employment Standards Act that are going to take us back into the last century. This government wants to promote a 60-hour work week. The rest of the world is learning to work smarter, not longer, not harder, not putting more and more people at risk.

Some of the government members laugh. I just want you to know that there's a case you should look at, a



steelworker in Sudbury who was following your pattern. He worked 30 consecutive 12-hour days and then, when he was going home, he fell asleep at the wheel of his car, crashed and died. We're talking about health and safety here. That's the agenda you should be following, one of investing in the people of Ontario, not a propaganda campaign to avoid the real issues.

**The Speaker:** Just before we begin question period, I'll remind members of the procedures here. Each member will have about a minute for the question, which I will also remind you is a little longer than they have in other jurisdictions around Canada. You'll have about a minute. What we will do is, at about 50 seconds I will shout out either "question" or "answer" depending on what the case may be. You'll have about 10 seconds to wrap up, and at that point I'll have to stand up and cut off whomever at about a minute.

I would ask all members not to shout "question" and "answer." We will try to make sure we watch the clock diligently, as will the table. But I will say it gets very confusing when people are shouting "question" and "answer," because if it's somebody down at the far end, they don't know if I've yelled it or somebody else.

I would ask all members if they would kindly cooperate. That way, we'll be able to get as many questions on for as many members as we can. With that, we'll start oral questions.

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: Given the Premier's announcement today, I seek unanimous consent to call for second reading of my colleague, Michael Bryant, the member for St Paul's Bill 67, which would deal with the phony gun issue here and now, today. I seek unanimous consent to give second and third readings.

**The Speaker:** Is there unanimous consent? I hear some noes.

## ORAL QUESTIONS

### WALKERTON TRAGEDY

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. Four months ago the people of Walkerton were hit by the worst environmental disaster in the history of this province. Six people died and 2,000 more became seriously ill. We dragged you, kicking and screaming, into holding a full independent public inquiry, and we very much look forward to the results of that inquiry, as do the people of Walkerton.

But I can tell you there's something else that the people of Walkerton are looking forward to. It has now been four months and four days since they've had access to clean and safe drinking water through their taps. My question to you, Premier, on behalf of the families living in Walkerton today, is, why is it taking so long to turn the water back on in Walkerton?

**Hon Michael D. Harris (Premier):** The details of that would much better come from the Minister of the Environment, who's on the file on a daily basis. But let me say in general terms that we are doing everything we possibly can as quickly as we possibly can to restore clean water to Walkerton.

If there is an error to be made, we want to err on the side of a little longer to ensure that the water is safe. I think you are aware of what the mayor of Walkerton himself said: "From day one, Premier Mike Harris, the Minister of the Environment, Dan Newman, the Attorney General, James Flaherty, and the Ontario support team have done whatever it takes to restore clean and safe water to the residents of Brockton," the municipality that includes Walkerton. And we are indeed doing that. If you'd like details to date, I'd be happy to refer the supplementary to the minister.

**Mr McGuinty:** Premier, I would invite you to speak to the people living in Walkerton and ask them in a very direct way about what they think of your record when it comes to turning their taps back on.

Along with the perks and privileges and trappings that come with the Premier's office come a few basic and fundamental responsibilities. I would suggest to you, Premier, that one of the most basic responsibilities would be, in these circumstances, to ensure that the people of Walkerton have access to safe and clean drinking water. It's been four months and four days since they've been able to turn the taps on. The stuff that is still coming out of there today is deadly. It is toxic.

I'm asking you again, on their behalf, Premier. The answer that you just gave me was unacceptable. Why is it taking so darn long to get the water back on in Walkerton?

**Hon Mr Harris:** Again, if you would like all the technical details, which are given to the people of Walkerton on a regular basis, by the experts who have been retained—certainly we've allowed, through the Ministry of the Environment, for unlimited access to the very best professionals and engineers and teams of specialists that we can get.

I realize that, as leader of your party in an opposition role, you would never agree, but certainly the mayor of Walkerton, I think, agrees. I think sensible people do. I certainly know the newly elected member from Ancaster-Dundas-Flamborough-Aldershot, Ted McMeekin, your member, said, "I think the Minister of the Environment needs to receive some kudos for some of the actions that have been taken, for putting the water regulations in place. I think the government is trying as best it can."

I understand you have to represent an opposition, negative viewpoint, but I think reasonable people would say otherwise.

**Mr McGuinty:** Premier, I would suggest that instead of your European sojourns, you take the time and speak with people living in Walkerton, quite apart from the mayor. There are a number of people other than the mayor living in the community, and you might want to find out what the families living there are experiencing.

You know what they've told me? They are tired of lugging jugs of water up and down the stairs every day. They are tired of washing their hands with Javex every time they or their children come into contact with the water that's in the taps today. They are sick and tired of the smell of Javex and bleach on their dishes and on their clothes and on their pots and pans. That's the kind of interruption to their daily lives that these people are living with.

Why is it taking so long to fix this problem? Maybe, Premier, if you can't tell me why, tell me when. When is the water going to be turned back on so that the people of Walkerton can get back on with their lives?

1450

**Hon Mr Harris:** I can assure you that I, too, talk to people from Walkerton. We have ministers talking to them on a regular basis. We have ministry staff talking to them on a regular basis. I think reasonable people would want to ensure that the goal is not how fast you turn the water back on in Walkerton; the goal is how do you absolutely ensure that the water, when it is turned back on, is safe.

There's a lot of work going on. As I said, if you truly want the details, you know you can get more of the details from the Minister of the Environment. If you want to know when, the "when" is exactly the second it is absolutely 100% guaranteed safe.

#### WASTE DISPOSAL

**Mr Dalton McGuinty (Leader of the Opposition):** My second question is also for the Premier. I think the province should mark the passage of the new millennium, and apparently you agree. Unfortunately, your millennium legacy is going to be a pile of garbage 700 feet high, to be placed in an open pit mine in northern Ontario which feeds into Ontario's purest water, and that dump is going to have an existence for the next 1,000 years.

Premier, can you guarantee Ontarians that at no time during the next 1,000 years will the liquid poison produced by your dump ever leak into our underground streams and rivers and make either today's generation or future generations sick? Can you offer us that guarantee?

**Hon Michael D. Harris (Premier):** What I can offer to you is the guarantee that any dump site or any disposal site for garbage anywhere in the province, any extension of any proposal for a dump site, must go through a most rigorous environmental assessment with all of the professionals, not the politicians, making the decision independently, at arm's length from government, of whether that proposal is safe or whether it is not safe.

I understand that you and your party are for continuing to dump garbage on the Oak Ridges moraine. I understand that you think it's quite acceptable to send it down to southwestern Ontario. I understand that you think it's quite acceptable to ship the garbage to Michigan. But at the end of the day, responsible people have to take care of their own garbage.

We ask municipalities to follow the rules, tough regulations, full environmental assessment, and each project is reviewed on that basis.

**Mr McGuinty:** The only conclusion we can draw here is that you have failed to learn the painful lesson that everybody in this province has drawn, apart from yourself, from Walkerton. We're talking about 700 feet, in terms of the height of the garbage that's going to be placed in an open pit mine. You are choosing to place your confidence in an untried, untested pumping system that must continue to operate without fail for at least 100 years.

Premier, why is it that you are continuing to gamble with the safety and security of Ontarians, and generations yet to come, when it comes to the safety of our water supply, when it comes to guarding the right of Ontarians to enjoy safe and clean water? And we never had a full environmental assessment; we had a Mike Harris environmental assessment. There is a world of difference between the two, and you should be honest enough to admit that.

I ask you again, why are you prepared to gamble with the safety of Ontarians' lives by going ahead with a scheme which is untried and untested?

**Hon Mr Harris:** I think the member would know and acknowledge that there is no such thing as an individual's environmental assessment or a government environmental assessment. What the government does is lay out rules for the most stringent of assessments for any dump site, I believe anywhere, I might add, in North America. This is the process that the proponent went through, and then it is up to the city of Toronto to make a decision, do they wish to use this facility.

I have to say to the member that what is irresponsible is to continually say, "Not in my backyard, don't put garbage there," with never ever having a solution other than shipping it out of the country or carrying on in the Oak Ridges moraine of your own. That is irresponsible.

**Mr McGuinty:** Do you really want to know what's irresponsible? What's irresponsible is piling garbage 700 feet high in an open pit mine which is at present filled with water which is known to leak through, and there is a great likelihood that it is going to contaminate underground aquifers, underground streams, flow into Ontario rivers. That is irresponsible, Premier.

Why is it that you have failed to draw the lessons from Walkerton? Why is it that as the Premier of this province you are not standing on guard against any schemes where there might be the slightest chance of polluting our waters one more time and having that pollution, that toxicity, ending up inside our taps and somehow endangering the lives of our children? Why is it that you aren't standing up and saying, "Yes, I'm for alternatives, but I've looked at this one and this one is irresponsible"?

**Hon Mr Harris:** I suppose the great Toronto garbage mess began when politicians said: "Not here. You're not going to do it here. You can't dump it there." Politicians shouldn't be deciding where garbage is going to go. Politicians shouldn't be deciding where in fact is a safe



site. That is left for the experts, that is left for the engineers, that is left for the scientists, through an independent environmental assessment process. That is the process that was followed in the Adams mine site.

I again ask you, since you think you should be standing up saying it shouldn't go here, it shouldn't go there—we know where you don't want it—where do you suggest Toronto put its garbage? On the Oak Ridges moraine? Ship it to Michigan? What's your responsible position? It is the kind of position of a Liberal Party that got this province into the mess that we've been in for the last 20 years. You're all for never doing anything. You cannot stand up and take a responsible position, and that's the problem.

**The Speaker (Hon Gary Carr):** New question, the leader of the third party.

**Mr Howard Hampton (Kenora-Rainy River):** I want to acknowledge that many of the Liberals who voted against legislation which banned the use of the Adams mine site are now finally seeing the light and they're opposed to the Adams mine.

My question to the Premier is this: since even the Liberals now recognize that this is a very risky proposal, since municipal—

*Interjections.*

**The Speaker:** Order. The member take his seat. We were doing quite well on the time. That means more questions on. I will remind everybody that the more time that I stand here the less time we have to ask questions, when you're shouting back and forth. We will start from the beginning on the minute because the member didn't get a chance to get into it. The leader of the third party, sorry for the interruption.

**Mr Hampton:** Premier, municipal leaders now in Ontario and Quebec, the Ontario Federation of Agriculture, the neighbouring Timiskaming First Nation, even some of the Liberal backbenchers in Ottawa are now opposing this project, because they recognize it is incredibly risky and it makes no sense.

The question to you is this: have you learned anything from Walkerton? If you have, use your power to say no to this very risky deal. Say no to the Adams mine dump.

**Hon Mr Harris:** I want to welcome the member back—speaking of taking irresponsible positions—into the Legislature, because, yes, you have been consistently thinking that politicians should override environmental assessment, override the professionals, override the experts and say, "Not in my backyard." You have been consistent on that.

You're quite right: the Liberals are for it one day, against it the next, and they flip-flop back and forth. Pretty soon the Liberals are sure to put out a release saying, "No, no, no, make sure you don't extend the Keele Valley dump site," after leaving that option open. We understand that.

You have been consistently saying that politicians should interfere in the environmental assessment process. I have the same question for you as I had for the leader of

the flip-flop party: since you think politicians should decide, where should Toronto's garbage go?

**1500**

**Mr Hampton:** Well, Premier, I'll take you up on that. Ontario, and principally Toronto, should follow the lead of Halifax and Edmonton and we should start reusing, recycling and composting and reduce by 80% the amount of waste that is generated. That's what we need to do.

I want to refer to one of the Premier's experts. On June 20, your Deputy Minister of Northern Development and Mines wrote to the chair of the Toronto works committee urging him to support the Adams mine project because, he said, "It's the only complete Ontario-based solution." Premier, you must know that's wrong. This landfill, if it goes ahead, is going to be owned by Waste Management Inc of Houston, Texas. You must know of them. They gave \$74,000 to your re-election campaign. You must know of them. They're under investigation in at least eight states in the United States. They've been fined over and over again.

Premier, before it becomes obvious to everybody but you, say no to this incredibly risky, incredibly suspect, bad strategy. Move to recycling, reuse and composting. Do the environmentally intelligent thing. Will you do that?

**Hon Mr Harris:** Let me first of all thank the member for reminding folks about reducing, reusing, recycling, composting. All those things, of course, we are supporting and we are encouraging; they are the first line of defence, if you like, in not having to dispose of garbage. But I would point out to you that every jurisdiction, including Edmonton and wherever else you mentioned, at the end of the day still has to put garbage somewhere.

I asked you a question. I think you've indicated that politicians should decide where garbage should go. We don't believe that. We think it should go to the professionals and to the environmental assessment process. To the leader of the New Democratic Party, I guess the last time you had the opportunity, you wanted a garbage dump 10 storeys high next to the Rouge River on sandy silt soil. This was under your IWA. Is this still the NDP position? You haven't given us any alternative. Your last position was right beside the Rouge River. Is that still your position?

**The Speaker:** Final supplementary.

**Ms Marilyn Churley (Toronto-Danforth):** Premier, we're offering you a solution today. I'm going to try again, and I'll ask you again, when are you going to wake up and say no to this disastrous plan? The only made-in-Ontario solution that is happening here is that 83 billion litres of clean water will be polluted over the 20-year lifespan of this dump if it goes ahead.

Those pushing the Adams mine plan or the expansion of the Lindsay site want us to believe, as you're saying yourself today, that there is no alternative to outdated megadumps. But there is. In Tory-ruled Alberta and Nova Scotia they have proven otherwise. They are diverting up to 60% to 80% out of landfill. Your own

handpicked waste diversion organization told you that you have to move to composting.

I'm asking you, will you tell Toronto that Ontario will financially support banning organics from landfills, that there is an alternative? Will you help them say no to the Adams mine deal and protect our water, Premier?

**Hon Mr Harris:** As I said to your leader before he ducked the final supplementary, and let me say to you, of course we are very supportive of anything we can do to reduce the amount of garbage that ultimately needs to be disposed of. Whether it's reducing, recycling, reusing, composting, that is exactly what we want to encourage first and foremost.

However, since your leader refused to answer, I would ask you, as the environment critic for your party, is it still your position that you put forward under the IWA—and we've heard nothing since—that Toronto's garbage should be stored 10 storeys high next to the Rouge River on sandy silt soil? That's where you had it before you lost office. Is that still your position?

#### MINISTRY OF THE ENVIRONMENT STAFF

**Ms Marilyn Churley (Toronto-Danforth):** I have a question for the Premier. I ask the questions here, Premier, not you. I want an answer too, because this is a very serious question.

*Interjections.*

**The Speaker (Hon Gary Carr):** Stop the clock. Order.

Member for Toronto-Danforth. Sorry for the interruption.

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Mr Speaker: I ask for unanimous consent to have the member give an answer.

**The Speaker:** The member will know that we ask that points of order don't come in question period, because if you start that, we're going to have the other side doing it as well. I would appreciate the chief government whip not starting with that right off the bat the first day. I say to all members, we have one hour for question period. It's the members' time. We do not want to get into points of order during question period. I would ask all members to consider that.

Sorry again for the interruption. The member for Toronto-Danforth.

**Ms Churley:** Thank you, Speaker.

Premier, the people of Ontario want to know why you are still putting tax cuts ahead of safe water. In the draft cabinet document we released, your ministry said you need 500 new staff, but they said you should at least hire a SWAT team of 138 new employees. You couldn't even go to half that amount, Premier. You chose 65, and those are only temporary contracts. But on top of that, Premier, yesterday one of your MOE staff told me that they were shocked to read a memo from the deputy at environment saying that even those 65 won't be all new, additional staff.

Are you really going to use existing staff along with some new hires when you're so short-staffed already? Premier, will you guarantee that none of the 65 temporary new hires will come out of the existing MOE staff?

**Hon Michael D. Harris (Premier):** I'm disappointed that you seem to have so little confidence in the existing MOE staff. Obviously, if they're capable of performing the job and if they have time to do the job, then I would assume the deputy minister would invite them to do this job. If you would like to get into the details of the actual numbers of people, I could refer in supplementaries, and I will if you wish that, to the Minister of the Environment.

But let me say in response to the first part of your question that it has been tax cuts—over your objections, over Liberal objections—that have led and fuelled the miraculous recovery of the province of Ontario, that have balanced the books a year ahead of schedule, that have given us the billions of dollars we have had for health care, for environment, for education, for investments into children in this province. Without tax cuts, we would not have had those dollars to make these kinds of reinvestments.

The second part of your question deals with the number of staff—

**The Speaker:** Order. I'm afraid the Premier's time is up. Final supplementary.

**Mr Howard Hampton (Kenora-Rainy River):** It would seem that the Premier has learned nothing. You laid off 1,000 staff at the Ministry of the Environment. It meant you didn't have the inspectors, the enforcement officers, to prevent something like Walkerton from happening.

My question is, have you learned anything? People want safe drinking water. This Thursday, Bill 96, the Safe Drinking Water Act by my colleague Marilyn Churley, comes before this Legislature for a vote. You have a chance to rectify some of the damage you've done. You have a chance to put in place legislation which will protect Ontario's drinking water. What are you going to do, Premier? Are you going to support Bill 96, the Safe Drinking Water Act, or are you going to continue to emphasize tax cuts over protecting the environment?

1510

**Hon Mr Harris:** Let me just correct the record, that it has only been tax cuts that have given us the economy, the jobs and the dollars to invest into health care, into the environment. In fact, had we not cut the heavy burden of taxes that you and the Liberals had brought in over 10 years, we would not have the employment, we would not have the dollars, we would not have the books balanced and we would not be able to make the investments required into all areas of government programs. It's only because of that that we are spending record amounts here in Ontario with balanced books.

I could give you a litany of things we have done to improve clean water: Operation Clean Water itself, which is focusing province-wide efforts to improve water quality; tough, clear standards now with the full force of



law so that we don't need the legislation you're talking about, which would be repetitive and duplicate the regulations we've already brought in place; effective inspection and enforcement; tough penalties for non-compliance; strategic investments and efficient delivery practices; a new drinking water protection regulation; consultation with the owners and users of small water-works—the discussion paper is out there; private wells. In addition, the provincial chief medical—

**The Speaker:** Order. I'm afraid the Premier's time is up. Can we stop the clock for just a quick moment, please.

#### VISITOR

**The Speaker (Hon Gary Carr):** I apologize for interrupting the flow of question period, but I inadvertently forgot to introduce a guest, with so much happening before question period. So I apologize to all members.

In the Speaker's gallery today we have Michael German, member of the National Assembly of Wales. If all members could join in welcoming him.

Again, I apologize for interrupting the flow. I inadvertently forgot and our friend has to leave, so I apologize for that.

#### MUNICIPAL RESTRUCTURING

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** My question is for the Minister of Municipal Affairs and Housing. Just at the outset, however, I'd like to say how pleased I am to be here and how pleased I am that the government follows with some regularity comments I make. I wonder if they take the time to follow the published comments of their own members, or should I say "ex-members."

In a published interview last week, the former member, Toni Skarica, had this to say about this government and the Hamilton supercity, and I quote, "The government wanted a local solution. A Mississauga bureaucrat came up with a bogus report, about as close to a local solution as a marriage is to a brothel, except in a brothel, unlike in my community, there's consent to the acts that are going on."

Later in the same interview he added, "I really feel sorry for my Tory colleagues because I know they didn't support the supercity legislation. Basically, the Premier pulled his card out. When he saw he didn't have support, he said, 'Look, you vote against this and it's a vote against my leadership.' He got everybody in line and the whole government voted for something they didn't believe in."

Minister, those comments by your former member are, to say the least, very startling. How can a government that has such contempt for its own members expect to keep the support of the people?

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** Let me offer verbally my welcome to the

honourable member and the debates that go on here. That's the end of the welcome.

The fact of the matter is, as the honourable member knows because he participated in it, there have been 20, 30, 40 years of discussion in that community over how best to deliver better services at less cost to the taxpayer, how best to have accountability for the local citizen in the local representative government. That discussion took place for so long that eventually all of the local representatives, all of the civic leaders, all of the business leaders and the citizens said, "We can't do it alone. We need your help. We need the provincial government to be part of the solution."

It was only as a result of that that this government did pass a law as part of this Legislature and this government did act on behalf of the citizens. Lower taxes, more accountable government, a government that works for them—that is what we on this side of the Legislature are fighting for day in and day out.

**Mr McMeekin:** Mr Minister, given that your own special adviser projected suburban tax increases of up to 12% in the new supercity and, in fact, double that once the area rating comes off, I want to ask, is your government prepared today, right now, to guarantee that every citizen in the new city of Hamilton will receive the same or better service without any increase in property taxes, and will you, Mr Minister, move to introduce legislation to ensure that no property tax increases will occur in your new supercity?

**Hon Mr Clement:** I can say to the honourable member, without fear of contradiction, that we have done more to protect the citizens in his riding against property tax increases through our legislation, through area rating, through mandating that the tax cuts are front-end loaded, than that honourable member did or the Leader of the Opposition did.

I'll read the honourable member a quote. This is what the Leader of the Opposition said: "We are going to provide an opportunity for consensus. Ninety days. If the communities are unable to arrive at a position of their own accord in that period of time, we will appoint someone else who will consult and return to the government with recommendations, and then we'll act on the recommendations." That's what his leader said before he flip-flopped. This honourable member had a proposal before his community that would have meant over 98% of his community would have received up to 34% tax increases. We stepped in and said that is not good enough for the people of Ontario, particularly in his riding. We are here to protect the taxpayer.

#### JUNIOR KINDERGARTEN

**Mr Doug Galt (Northumberland):** My question is directed to the Minister of Education. While recently at the plowing match, I received a pamphlet under the windshield wiper of my car. It was distributed by the local Liberal association in an attempt to promote their agenda and, of course, try to defeat this government. Talk

about spinning an agenda, I can't find anything in it that's really accurate, and I want to question the minister. This is a quote from it: "A Dalton McGuinty government will restore junior kindergarten."

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. The member take his seat. I can't hear the member. Sorry for the interruption to the member.

**Mr Galt:** It clearly states that a Dalton McGuinty government will restore junior kindergarten. Now, Minister, you can't restore it unless it's been removed. What are they talking about, or is this accurate, and I doubt that it is. When was junior kindergarten, in effect, eliminated?

**Hon Janet Ecker (Minister of Education):** I agree that it's quite difficult to follow where the Liberals are coming from on this, because I'm not sure what junior kindergarten they're trying to restore, since 70 of the 72 school boards provide junior kindergarten. As a matter of fact, we've had a 24% increase in the number of children going to junior kindergarten, and the two school boards that don't have junior kindergarten get funding from this government for an alternative program. We think junior kindergarten and kindergarten are very important in getting our young children off to a good start. That's one of the reasons we've revamped curriculum for kindergarten, the first time that's happened in 50 years—very much needed.

We've also brought in a new learning assessment procedure, so that we know if our children are ready to learn and can learn, and we've increased funding for reading and literacy skills at those crucial early stages—very important, junior kindergarten.

**Mr Galt:** Thank you very much, Minister, for that very informative response. I also notice that on the cover it says, "Only two people can stop Mike Harris." Obviously, Dalton McGuinty alone will never be able to stop him. It's pretty clear on the front cover here that Dalton is admitting it.

Clearly, the members on the other side just don't get it, because they as a caucus had a very poor turnout at the plowing match. We had a tremendous turnout. But I would like you to respond to another quote, Minister, if you don't mind, "A Dalton McGuinty government will stop the Harris—"

*Interjections.*

**The Speaker:** Order. Members, I appreciate the input from all members. The member can ask the question on his own. Again, I apologize for the interruptions. The member may continue.

1520

**Mr Galt:** Thank you very much. As I was saying to the minister, just if she'd respond to the second one, "A Dalton McGuinty government will stop the Harris education cuts and guarantee adequate funding for our schools."

I just don't understand: with the continuous increase in funding, maybe you could state how much money this government spends on education so that the members

opposite can see that this government takes the education system very seriously.

**Hon Mrs Ecker:** Factual descriptions of what is happening in education are something that is sadly lacking in material of that kind from the other side of the House. Our goal—we've been very clear in education reform—is better quality, more accountability, more resources focused in the classroom. That's why we're spending more on education today than was being spent in 1995-96, from \$12.9 billion up to \$13.5 billion. More of that is in classrooms; some \$700 million more of that is in classrooms than was there before. We've had significant increases in priority areas like special needs children, for example, a 12% increase in the amount of money for school boards to offer those very important services.

We've been very true to what we said we would do: to focus good-quality resources in the classroom. I'm in the process of meeting yet again with my partners to see how we can make further enhancements for the coming school year.

## BREAST CANCER

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the minister of health. It was nothing less than shocking to learn that women with breast cancer in Ontario may have to wait as long as seven months to get the treatment they need. Seven months is an unbelievable, agonizing time to wait when you have a disease that threatens your life. This time last year, you were assuring us that at least 50% of patients needing radiation would be seen within four weeks. We didn't consider that a very reassuring target at the time, but now we find that patients are waiting longer than ever. Things are getting worse, not better, and your response is to have a bureaucrat investigate the situation.

Surely you know this is a crisis that is spiralling out of control. Surely you're not just beginning to investigate this situation. After your completely false reassurances of a year ago, what can you say now to women with breast cancer who today are having to wait as long as seven months to get treatment?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** As the member well knows, we have made progress. This situation regarding waiting times was brought to our attention in November 1998. Since that time, Cancer Care Ontario, which has the responsibility for making the decisions related to cancer treatment and waiting times, has been moving forward very aggressively.

In fact, I'm very pleased to indicate to you that a meeting took place between the Deputy Minister, Mr Closson, the head of the University Health Network and Dr Shumak, the head of Cancer Care Ontario. At that meeting, they made a commitment to us that Princess Margaret Hospital will expand its capacity for breast cancer radiation therapy by 50% and give priority to the people who are on the waiting list.



I want to assure you that action continues to be taken very quickly. As you know, we have invested over \$55 million since 1998 to reduce the waiting times, and we are seeing a reduction.

**Mrs McLeod:** Those are the same reassurances you gave this House a year ago, and now we have waiting lists that are longer than anybody involved in cancer care has ever seen, as much as seven months for women with breast cancer.

You are sending hundreds of cancer patients away from home to get care, and yet you can't provide timely treatment to those who can't travel. To those people you are saying, "Tough. You'll have to wait two months or three months or seven months." That's the only answer you've given them, when you've known about this crisis for at least a year.

Your government helped to create the crisis when you shut down the radiation therapy training programs. Now we have a critical shortage of therapists. We have an increasingly critical shortage of radiation oncologists, and you're not going to deal with that either. We have more and more people who are getting cancer who are going to need treatment and who aren't going to get it. And if the former minister of health thinks that women waiting for seven months to get breast cancer treatment is silly, tell me what his priority would be and why he helped create the problem women are facing right now.

Minister, your government's short-sightedness has helped create the crisis we face today. Your government's refusal to see what's ahead of it will guarantee one thing only, and that's that more and more people are going to wait longer and longer for treatment.

You say it is unacceptable to have a seven-month wait for radiation treatment. We say it's intolerable to risk having any patient die on a waiting list in this province.

Minister, will you sit down immediately with Cancer Care Ontario and develop a two-year, five-year and 10-year plan to provide adequate staffing and resources to meet the critical and growing need for cancer care in this province?

**Hon Mrs Witmer:** It is very unfortunate that there is so much information that has just been communicated that is inconsistent with what is happening today. Since 1998, as the member knows, we have been working with Cancer Care Ontario to take steps to reduce the waiting list—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Would the minister take her seat.

**Mrs Sandra Pupatello (Windsor West):** You knew what was happening.

**The Speaker:** The member for Windsor West, this is her last warning as well. Sorry, Minister. Please continue.

**Hon Mrs Witmer:** We have been working diligently, and Cancer Care Ontario has undertaken initiative after initiative. They have been supported. We have added \$160 million to cancer services, and we are making tremendous progress. We have added 11 new drugs. The number of people receiving radiation therapy has

increased by 25%. I am also pleased to tell you that when it comes to radiation therapy, we never closed any program down; in fact, we have expanded the number of spaces from 50 to 75.

Furthermore, I would again draw the member's attention—

**The Speaker:** Order. The minister's time is up.

## CROP INSURANCE

**Mr John O'Toole (Durham):** My question is to the Minister of Agriculture, Food and Rural Affairs. Let me start by saying I want to thank you, Minister, for visiting my riding this summer and meeting with constituents and dealing with their questions during your visit to the riding of Durham.

Of course, a significant number of people in my riding earn their livelihood in the agricultural sector. As you would know, it is the second-largest industry in the riding of Durham. There is very clear evidence to consider the success of local agriculture business when you look at the success of fairs like Blackstock, Orono, and the Durham Central Fair.

I have met, as you have, with members such as Burt Werry, who is here in the chamber today, Dave Frew, Brian deJong and others, including Dave Barry, president of the federation of agriculture. They've said very clearly that they want to level the playing field with the United States and ensure there are emergency safety net programs to deal with a very difficult year of low yield, low output and low price.

Minister, could you perhaps tell my constituents and the people of Ontario what your ministry is doing to help during this very difficult period in Ontario?

**Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs):** I thank the member for Durham for his question. I certainly enjoyed travelling in his area this summer and meeting with farmers in a part of Ontario with such a strong agricultural sector.

First let me assure the member that we understand the concerns of Ontario farmers and are working hard to help them as effectively as possible in a year with low prices and poor growing conditions.

We've taken leadership in standing up for our province's farmers with the federal government to make sure we get a fair share of the farm safety net funding. I am happy to report that persistence has paid off. Earlier this summer we signed an agreement with the federal government to make sure our Ontario farmers get their fair share, which will mean another \$30 million of federal money for Ontario farmers. That will be over and above the \$435 million that's available to our farmers for disaster relief. It has indeed been a tough summer for our farmers and we want to make sure we do all we can for those farmers in this year of bad growing conditions and poor commodity prices.

**Mr O'Toole:** Thank you very much, Minister. I have to admit right now that I was certainly impressed with the reception you received at the international plowing

match. I thought it was a very respectful interchange with the leaders of our agricultural community, with you taking the time to listen to their positions. It's just as important to my constituents in the riding of Durham that you are indeed listening and working on their behalf.

I can tell you that Anna Bragg, the president of the Ontario Corn Producers' Association, who lives in my riding of Durham, is in constant communication with her members on the whole issue of low yield and prices. They are very concerned, as I've repeated, that crop insurance and the compensation of farmers is absolutely critical to the survival of that sector of our economy.

Minister, perhaps you could broaden it out here. It's not just you who can solve the problem. What are the federal cousins saying to you? Are they there, supportive of the issue, or are you doing it on your own?

1530

**Hon Mr Hardeman:** The honourable member mentions the international plowing match. I wanted to tell the House how disappointed I was that I was unable to win first prize in the plowing, but I want to say that the member from Wellington, being at home—and I'm sure he had previously practised—indeed won first prize. I think that's worth noting.

I do want to say that Ontario has been a strong supporter of the market revenue insurance program for the grain and oilseed industry. Indeed, it is the only province in Canada that still maintains that program. I want to inform everyone that that is the saviour of the grain and oilseed industry this year as the commodity prices have dropped the way they have. Earlier this year, we were able to send out \$35 million in an interim payment to help the grain and oilseed industry. As we speak, AgriCorp is sending out another interim cheque to pay another 30% of that money to those farmers. Hopefully, by the end of the year we will be sending out another \$17 million. In fact, there will be \$115 million distributed through the market revenue insurance program for our Ontario grain and oilseed—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up. New question.

#### CANCER CARE

**Ms Frances Lankin (Beaches-East York):** My question is to the Minister of Health. Minister, I want to ask you again today if you will, as an emergency measure in order to save lives, agree to cover the cost of rectal and uterine cancer patients to receive out-of-province radiation treatment. There's a consensus in the cancer community that if you added rectal and uterine cancer patients to the breast and prostate cancer patients who are currently covered, you would have an immediate impact in decreasing waiting times here in Ontario. Will you take this positive proposal to save cancer patients' lives and act on it today? Will you agree to include rectal and uterine cancer patients in your program for out-of-province treatment?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** As the member knows, the decisions to make referrals out of province are decisions that are made by Cancer Care Ontario. We will continue to depend upon them to make those clinical decisions as to appropriate referrals.

**Ms Lankin:** Minister, the only cancers that are eligible for re-referral for you to pay the cost at this point in time are breast cancer and prostate cancer. I've raised this question with you again, but let me rephrase it: Why won't you include rectal and uterine cancer patients in the out-of-province treatment program? I raised it last December and this past spring; I raised it three weeks ago. I've been told by people in Cancer Care Ontario and at Princess Margaret that this simple and positive proposal would have an immediate impact in decreasing the waiting list, that those patients who can't travel would have access to more treatment here because there would be other people eligible to have their costs covered and they would move. It could save lives.

Despite all your claims, you have contributed to this crisis. I'm putting forward a positive proposal now. Minister, this is a question of life and death for many people who are on that list. Please tell us clearly, why won't you add rectal and uterine cancer? Why won't you take this simple step to save cancer patients' lives?

**Hon Mrs Witmer:** Again, Cancer Care Ontario is responsible for making decisions related to the treatment of cancer in Ontario. Certainly we always would welcome any advice that they would have in order to further enhance treatment and services for people in this province.

#### MINISTRY OF THE ENVIRONMENT STAFF

**Mr James J. Bradley (St Catharines):** I have a question for the Minister of the Environment. Minister, last Thursday you were trotted out by the Premier's staff to the Toronto Brickworks to make what could only be described as an embarrassingly pathetic reannouncement of a so-called SWAT team consisting of half the number that was recommended, a mere 65, who your own personal staff admitted will not be permanent employees and will likely be staff yanked from other important positions within the ministry which will be left unprotected—this to deal with a political crisis rather than an environmental crisis. After firing one third of your staff and slashing almost 45% of your budget, the Premier and the Chair of Management Board have once again thrown you to the wolves by giving you fewer than half the staff recommended for your much-touted SWAT team.

Does the minister really expect the people of Ontario to believe that 65 staff yanked from other important jobs, 65 temporary staff, can possibly replace the over 900 employees turfed out the door of the MOE and the 45% of the budget that has been taken away from you?

**Hon Dan Newman (Minister of the Environment):** I know the member opposite wishes he had actually been there for the announcement, because he would have



known that there are 30 new inspectors to be hired, nine new investigators, plus program analysts, engineers and scientists, 65 new staff, keeping a campaign commitment in our Blueprint document to have that SWAT team up in place. That's a very important first step. I remind the member opposite that we also have an entire review of the ministry under way right now, headed up by Valerie Gibbons, a former deputy within the civil service.

But the fact of the matter is this environmental SWAT team is going to target emerging environmental issues and go after those deliberate repeat offenders. It's going to go after the people whom I know he also wants to see nabbed, and those will be the midnight dumpers who are dumping and polluting our environment in Ontario.

**Mr Bradley:** I see what the Minister of Education is talking about when she says there's a problem with math, because the Minister of the Environment seems to think that 65 people pulled from other jobs within the ministry are somehow supposed to replace the over 900 people who were sent out the door by the Chair of Management Board, the Premier and his staff.

We all recognize this announcement you had is simply a public relations ploy orchestrated by Paul Rhodes, your \$2,000-a-day spin doctor, taxpayer-paid advertising guru. We recognize as well that your own ministry, in a document which was leaked, said you're now inspecting only 10% of the environmental problems in this province and the document says that you will require in excess of 500 staff to be able to do the job properly. That's right in the document the Premier referred to as a phony-baloney document, which proved to be a genuine government document.

I ask the minister, would it not be better to bolster the investigations and enforcement staff, keep them totally independent, make sure that these are new additional staff, and would it not be wise to hire those 900 people back who provide the supplementary work for all the investigations and prosecutions that go on in this province instead of engaging in some kind of public relations exercise orchestrated by Paul Rhodes?

**Hon Mr Newman:** What the member opposite is asking us to do is not to keep our word, and that's not what we're all about in this government. In fact, the Blueprint document clearly stated that we would hire an environmental SWAT team to protect the environment here in Ontario. That's what it said. I know that their campaign document made no such reference to anything like that.

The announcement last Thursday was an important first step: 65 new staff—30 inspectors, nine investigators in addition to program analysts, engineers and scientists.

What we want to do with the environmental SWAT team is to hire the brightest and best people who will be out there to protect the environment on behalf of the people of Ontario. It's a Blueprint commitment in our election document. It's an important first step: 65 additional staff in this newly created separate unit within the Ministry of the Environment.

## PREMIER'S RESEARCH EXCELLENCE AWARDS

**Mr Frank Mazzilli (London-Fanshawe):** My question is to the Minister of Energy, Science and Technology. Minister, as the global marketplace is increasingly becoming technology-driven, it is important to ensure that Ontario remains a leader in scientific research and job creation. As you know, we must be ready to meet the challenges of the future, and we will have to bring investment into the province. To accomplish that goal, Ontario must have the best and brightest researchers working toward developing innovations that will benefit us all.

Minister, could you tell the House what the Mike Harris government is doing to attract researchers and to make sure that they have the resources they need to make sure that Ontario has a leading edge?

1540

**Hon Jim Wilson (Minister of Energy, Science and Technology):** One of the innovative programs that the Premier introduced some 18 months ago is the Premier's Research Excellence Awards. Over the past year and a half, 243 of our best and brightest researchers from our hospitals, our universities, our colleges and other public institutions have received \$150,000. That money is not used for personal use; it is used to attract researchers to their research teams and to build international excellence in research. It's the only program of its kind in Canada, it's the largest awards program in Canada, and on December 3 the Premier will personally thank this year's recipients of the Premier's Research Excellence Awards.

If the engine of economic growth is brainpower, then Ontario is leading our country in attracting people back from the United States. So far, we've had almost 18 individuals come back from the United States because we are providing the necessary resources for them to do world-class research right here in the province of Ontario.

**Mr Mazzilli:** I'm sure the tax cuts have helped bring some of these people back to Ontario. Minister, can you tell me specifically how the Premier's Research Excellence Awards will benefit the London area and the researchers at the University of Western Ontario?

**Hon Mr Wilson:** The University of Western Ontario alone has been the recipient of 21 Premier's Research Excellence Awards, people like Dr David Holdsworth of the John P. Robarts Research Institute. Professor Holdsworth and his research group have developed an X-ray imaging system that produces three-dimensional images of the blood vessels in the brain. This work is going a long way to help prevent strokes, and the findings of that research will hopefully be disseminated across our hospitals and our health care institutions in the near future so that all the people of Ontario can benefit.

Last week, we gave an award to a young researcher at the University of Waterloo. Her name is Dr Stephany Bennett. She told the audience at Waterloo that first her job is to make Alzheimer patients comfortable and then

she intends to cure the disease. That's the type of world-class research that's going on, the type of world-class research that I, as Minister of Energy, Science and Technology, on behalf of all members of the House, am pleased to recognize and support in this province.

### PLAYGROUND EQUIPMENT

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. Minister, the kids are back in school and we're finally back in the Legislature, but those kids are looking, thanks to you and your government, more than ever to the members of this House and to you in particular as the person who has taken charge of education in this province. We're going to be bringing you the problems you've inflicted on some of those kids, but today one very simple issue:

In Toronto and in other areas around the province there are playgrounds missing. There are kids like Kristina Fallows who are standing around literally, not getting exercise, not getting recreation and not being able to develop their social skills, because the equipment is missing.

I want to ask you something very specific, very straightforward. In your responsibility for education, will you act? Will you set up a matching fund so that the parents, the school boards and the municipalities can start to put that equipment back? Will you, from the province's standpoint, match the money they raise and make sure that kids can go out to play? Will you do that immediately, Minister?

**Hon Janet Ecker (Minister of Education):** I'm a little surprised this would have been the member's first question, because on the one hand this is the party that keeps saying that we've taken away decision-making responsibility from school boards. This is a particular situation where this school board, in their wisdom, made this decision. Now he is asking us to take this responsibility away from this school board and come in and second-guess what they did. I don't think that's appropriate.

School boards across this province have had the responsibility for making decisions around equipment, accommodation and health and safety issues. That's been there for many, many years. We pay substantial amounts of money to school boards to help them do that. As a matter of fact, there were several hundreds of millions of additional dollars to the Toronto board and other boards to give them flexibility in how to do that.

I don't think it's appropriate now, when they've made a decision, when the community has now objected, to come running to Queen's Park and ask for special treatment for Toronto that is not available to the other school boards in this province.

**Mr Kennedy:** There's the key to what's wrong with education. The minister will take no responsibility. The kids don't care if a mistake was made and they don't get to play; their equipment is missing.

This minister and this government have cut \$1,400 per student in Toronto. They plan to cut another \$750 per student in Toronto. There is no money at the school board.

Minister, you and I could walk to Jesse Ketchum school right after this and see there's no equipment there. Will you come and explain to Kristina Fallows at Jesse Ketchum school why you won't take the responsibility you've legislated for yourself? Again, will you put your politics aside? Will you say to the kids that their ability to play supersedes the games, that you will provide matching funds to make sure that playground equipment can be restored, not just in Toronto but in Ottawa, Windsor, Peterborough and other places where the safety of kids caused that to happen? Will you do that today? Will you come with me to Jesse Ketchum School and explain this to Kristina Fallows.

**Hon Mrs Ecker:** I have been to many schools and school boards across this province that are handling this same issue in a very different way than this particular school board. I would suggest to the honourable member that if some individuals would spend less time fighting politics and more time reading the staff reports that were put in front of them, perhaps we would not have situations like this. The school board and the community are working very hard, with the council, to try to make sure this decision is rectified, that there are indeed facilities for those children, as there should be. But the honourable member of the Liberal Party cannot, on one hand, sit in here and say I should be giving school boards flexibility to make decisions on their own and then, when they make a decision he doesn't agree with, come running to me and say, "Minister, fix it." I don't think that is appropriate. The community is responding, the council is responding, the board is responding with money they have received from us. I think that is appropriate to make sure these kids get what they deserve.

**The Speaker (Hon Gary Carr):** The time for question period is over.

**Mr David Christopherson (Hamilton West):** On a point of order, Mr Speaker: Very briefly, I know at the beginning you mentioned that you were going to try keep things as tight as possible, and obviously the House isn't always co-operative with that. But I want to bring to your attention again that one of the reasons for that is that we have a fourth question, and when we don't get to it, people like the VON workers who are here today and want to hear their question put on the floor, do not get an opportunity. I might suggest, Speaker, if it's helpful at all, that I as the House leader for the NDP caucus would certainly be willing to meet with you and the other House leaders to determine any kind of procedural mechanisms we can give effect to that would let us get to that fourth question.

**Mrs Brenda Elliott (Guelph-Wellington):** On a point of order, Mr Speaker: Earlier today, the leader of the third party indicated that a group wished to meet with representatives of the government and that that meeting had not occurred.



I would like to correct the record. In fact I did meet, on behalf of the government, and passed the information—

**The Speaker:** The member can't correct somebody else's point of order.

## PETITIONS

### NORTHERN HEALTH TRAVEL GRANT

**Mr Rick Bartolucci (Sudbury):** I have a petition to the Ontario Legislature. It deals with the northern health travel grant.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

This is the first 100 of 51,000 petitions we will be presenting to the Ontario Legislature until this health care apartheid is corrected.

1550

### SAFE DRINKING WATER LEGISLATION

**Ms Marilyn Churley (Toronto-Danforth):** Thousands of people across Ontario have signed a petition in support of Bill 96, the Safe Drinking Water Act, which will be debated on Thursday morning at 10 am. The petition reads:

"To the Legislative Assembly of Ontario:

"Whereas the people of Ontario have the right to receive clean and safe drinking water; and

"Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of public health; and

"Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

"Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

"Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

"Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) Immediately restore adequate funding and staffing to the Ministry of the Environment;

"(2) Immediately pass into law Bill 96, the Safe Drinking Water Act, 2000."

I will affix my signature to this petition.

### DEVELOPMENTALLY DISABLED

**Mr John O'Toole (Durham):** I'm pleased to present a petition on behalf of my constituents in the riding of Durham, their hard work in presenting and preparing this petition, and I'll read it into the record.

"To the Legislative Assembly of Ontario:

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to their worker is, based on a recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings;

"Whereas there are hundreds of senior parents in Ontario who have saved the Ontario government millions of dollars by keeping their children with a developmental disability at home, and who are still caring for them as adults;

"Whereas there is no plan of support for most of these adults with a developmental disability to go when their parents are no longer able to provide care;

"Whereas these parents live with constant anxiety and despair;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase compensation for workers in the developmental service sector so it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who have no support when their parents are no longer able to care for them."

I'm pleased to sign and support this petition on their behalf.

## DOCTOR SHORTAGE

**Mr Dave Levac (Brant):** "To the Legislative Assembly of Ontario:

"Whereas we, the undersigned, would appreciate more doctors and proper health care in Brant county;

"We, the undersigned, from senior citizens to young children just at birth, petition to the Legislative Assembly of Ontario that the government of Ontario proceed to work towards a solution to this very desperate problem in Brant county."

It's signed by 231 names and I affix my name to that.

## NORTHERN HEALTH TRAVEL GRANT

**Mr Michael A. Brown (Algoma-Manitoulin):** I have even more petitions to go with the thousands that I presented in the last session.

"To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledges that the costs associated with that travel should not be fully borne by those residents and, therefore, that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in their communities."

**The Deputy Speaker (Mr Bert Johnson):** The Chair recognizes the member for Thunder Bay-Superior North.

*Interjection.*

**The Deputy Speaker:** I'll get to you in a moment.

**Mr Michael Gravelle (Thunder Bay-Superior North):** Mr Speaker, as you can tell, northerners are very incensed about the discriminatory nature of the northern health travel grant program. I'd like to also read some petitions attached to that.

"To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the cost associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

The petitions keep coming in. I'm strongly supportive and proud to add my name to this petition.

## CHILD POVERTY

**The Deputy Speaker (Mr Bert Johnson):** My apologies to the member for Hamilton West. I'd already recognized the member, incorrectly, and I apologize for it. I'd like to hear your petition now, please.

**Mr David Christopherson (Hamilton West):** Thank you very much, Speaker, and I very much appreciate the explanation.

I have petitions from the West Hamilton Interfaith Committee on Child Poverty which I am pleased to present here today.

"Whereas the federal government signed the United Nations Convention on the Rights of the Child and passed a resolution to eradicate child poverty by the year 2000; and

"Whereas at the first ministers' meeting in June 1996 the Prime Minister and Premiers made tackling child poverty a collective priority; and

"Whereas Campaign 2000 records the province of Ontario as having the highest increase (116%) in child poverty since Canada's House of Commons vowed unanimously in November 1989 to eliminate child poverty;

"Therefore, we, the undersigned, petition the Parliament of Ontario:



"To take immediate steps to eradicate the hunger of poor children by working vigorously with the federal government to reduce the poverty rate among Ontario's children; and

"To follow and implement the recommendations of the Early Years Study, commissioned by the Ontario government in the spring of 1998."

I'm proud to add my name to those of these petitioners.

**The Deputy Speaker (Mr Bert Johnson):** It being 4 o'clock on the afternoon of September 25, 2000, pursuant to standing order 30(b), I'm required to interrupt the proceedings and proceed to orders of the day.

1600

## ORDERS OF THE DAY

### McMICHAEL CANADIAN ART COLLECTION AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LA LOI SUR LA COLLECTION McMICHAEL D'ART CANADIEN

Mrs Johns moved second reading of the following bill:

Bill 112, An Act to amend the McMichael Canadian Art Collection Act / Projet de loi 112, Loi modifiant la Loi sur la Collection McMichael d'art canadien.

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** It is my pleasure to present to this assembly for second reading Bill 112, the McMichael Canadian Art Collection Amendment Act, 2000.

I am pleased today to be able to share my time with my friend and colleague, the parliamentary assistant and member from Guelph-Wellington and the members from Halton, Dufferin-Peel-Wellington-Grey, and Waterloo-Wellington.

The purpose of this bill is very clear. It is to restore the McMichael collection to sound financial health and to honour the intent of the gallery's original mandate. This was to collect and display works by the Group of Seven and other artists who have made contributions to the development of Canadian art.

This bill addresses a specific situation at a specific institution, the very serious financial management and mandate issues at the McMichael. They are inextricably linked. The bill has no broader meaning.

The financial difficulties at the McMichael are in part a direct consequence of the controversy that has surrounded the interpretation of the gallery's mandate in recent years.

Almost a year ago, the former administration at the McMichael told the board of directors that the gallery was facing a shortfall of \$300,000 in its budget. By January, the administration was telling the board that the deficit was likely to be \$700,000. The next figure we

heard was \$1.2 million. The audit committee of the board found this intolerable, as do I, and it approached the government for a solution. Last April, as a result of their approaching us, we ordered an audit. That independent review found that the actual deficit was \$1.6 million, a shortfall that was the result of poor fiscal management, high fundraising costs, dwindling corporate sponsorship, weak project management, high staff levels and the lack of a formal budget process.

The government has already taken action to address these issues. We have appointed an interim financial manager to begin implementing the audit's recommendations and to improve managerial and financial control. Recruitment for a permanent financial manager is now underway. The McMichael is establishing more rigorous project management for special exhibitions, including break-even requirements, weekly reports on the status of projects and a constant review of project viability. We are introducing monthly monitoring of financial results by the ministry.

In addition, we have also appointed a new chair of the board of the collection. David Braley of Hamilton is our new chair, and we're very proud of him. He has both financial expertise and experience serving on other cultural institutions. We believe we were very fortunate to get him involved in the McMichael. His appointment is another positive indication of how seriously the government takes the task of financial revitalization of the McMichael. With the new chair in place, with Bill 112 as a guide, the McMichael will begin the long climb back to financial and fiscal health. The government will be very supportive.

We recognize, for instance, that the collection needs a well-maintained home, one that allows today's visitors to view it in comfort but one that also preserves the art for future generations. The government has made a commitment to invest \$2 million into the buildings housing the collection. This will be used to complete major repairs to the roof and to the windows. We will also fund upgrades to the mechanical systems that ensure the correct temperatures by weatherproofing the facilities that house these valuable pieces of Canadian history. We're ensuring a solid and a secure future for the McMichael collection. That's why we're here today: to return an ailing, publicly owned institution to financial health.

Thirty-five years ago, Robert and Signe McMichael gave a generous gift to the province and to the people of Ontario. They gave 194 works by artists whose paintings are synonymous with Ontario and with Canada. Their collection contained works by members of the Group of Seven but also by many of their contemporaries, names well known to Canadians, like Emily Carr and Tom Thomson. At the same time, the McMichaels passed their home and the beautiful property on which it sits to the government to create a permanent address for the collection. The McMichael property is truly a sacred site for Canadian art and artists.

Because of their generous gift, millions of Canadians and visitors from all around the world have the chance,

the opportunity, to experience the work of these great artists in a location that honours their very memory. In fact, six members of the Group of Seven are buried in a small cemetery which is on the grounds of the McMichael collection.

For the residents and businesspeople of Kleinburg, the McMichael collection is a treasured local asset. But in recent years, the McMichael has been better known for its controversy than for its art, a controversy that has had a negative impact on attendance and on revenue.

The McMichaels' gift was honourable and it was generous. Unfortunately, over the years the spirit of the collection has been violated. It has drifted away from its original focus. Today, it is time to put the integrity back into the McMichael donation and end the controversy so that we can eliminate much of the uncertainty that has surrounded the collection in the past few years. It is time to ensure that the McMichael gallery returns to the intent of its founders. It's time to honour the agreement Robert and Signe McMichael signed with Premier John Robarts 35 years ago.

That's why I introduced the McMichael Canadian Art Collection Amendment Act, 2000, in June.

The bill has two aspects. First, it will return the McMichael collection to the terms outlined in the 1965 agreement with Premier John Robarts with respect to the nature of the collection. This means the collection would be made up of paintings by Tom Thomson, Emily Carr, David Milne, A.Y. Jackson, Lawren Harris, A.J. Casson, Frederick Varley, Arthur Lismer, J.E.H. MacDonald, Franklin Carmichael and other artists, including aboriginal artists, who have made a contribution to the development of Canadian art.

The legislation will also create an art advisory committee, and this committee will review all art currently held in the collection and all art being considered for acquisition. The art advisory committee will consist of five members. Robert and Signe McMichael will be permanent members. The board will be responsible to the government, which is responsible to the Legislature and, through it, to the people of Ontario.

The government will have time-limited special powers—I want to reinforce that these are time-limited special powers—to ensure the intent of the legislation is achieved and to approve the board's choice of executive director and bylaws regulating proceedings and establishing committees. These powers would continue for up to three years or until the collection is brought into compliance with this new legislation.

Few doubt that the McMichael collection has lost its direction over the last few years. I believe this legislation restores the purpose for which it was first created. It provides clear direction. It provides stability. It enables the gallery to move forward confidently, leaving yesterday's disputes behind. Now the gallery can turn its attention to the business of attracting visitors and attracting donations. For the taxpayers of Ontario who have invested in the gallery and Canadians who see the gallery

as an expression of national identity, this is truly a win-win situation.

**1610**

I want to make it very clear today that the government is in no way—in no way—setting a precedent. We are in no way dictating artistic taste or freedom. We are dealing with a specific circumstance in a specific gallery. This is a very unique situation. We are solving a financial problem and honouring the intent of a signed agreement, a unique agreement. By honouring this unique agreement, we are assuring that others who make agreements with the government will have them honoured as well.

We are not guardians of art. We are guardians of agreements made by former governments. We are guardians of taxpayers of Ontario. We are guardians of a generous gift and precious resource given to the people of Ontario by the McMichael family. We are restoring the McMichael to its original purpose: to provide a home for the Group of Seven and other artists who have contributed to Canadian art. The time has come to put integrity back into the McMichael family's generous gift to the province and to end the controversy that has created so much uncertainty with respect to this collection.

This bill will continue and enhance the vision the McMichaels had when they gave their collection, home and land to the crown in 1965. I call on the opposition parties in the Legislature to pass the legislation quickly. I believe it is in the best interests of the people of the province. It is in the best interests of the gallery's hard-working board and staff and everyone else who shares a passion for this magnificent collection to see this bill passed expeditiously.

In conclusion, this bill will continue and enhance the vision that the McMichaels had when they gave this unique collection and home to the province and it will protect the investment of Ontario taxpayers, who ultimately made the McMichael vision a reality. This legislation is about honouring commitments and keeping promises. This legislation is the right thing to do, because more than 35 years after it was given, I know we will always be thankful to the McMichaels for the generous gift they gave to the province. I'm proud to say that from this day forward we will honour the spirit in which it was given. Thank you very much.

**The Deputy Speaker (Mr Bert Johnson):** Further debate?

**Mrs Brenda Elliott (Guelph-Wellington):** I am pleased to be able to add my support to this bill today.

Eighty years ago, seven Canadian artists came together here in Toronto to mount an exhibit, an exhibition unlike any our young country had ever seen before. The Group of Seven, as they came to be known, had a vision of an art that captured and celebrated the spirit of this great land, art that was distinctly and proudly Canadian. In our mind's eye, I think we can all see parts of those celebrated paintings today, whether we see glimpses of the windswept pines, the great rocks or the powerful skies.



Today, here in this Legislature, we reaffirm that vision with second reading of a bill that recognizes, preserves and protects this unique chapter in our history.

Bill 112 seeks to restore the intent of the original mandate that created the McMichael Canadian Art Collection and to bring the collection back to financial health and prosperity. It seeks to honour a commitment that was made to our province 35 years ago, a commitment that our government has always respected and to which we remain true with this legislation.

Robert and Signe McMichael gave the province their art collection, their home and their property in 1965 for the purpose of creating a permanent and lasting tribute to the work of the Group of Seven and other artists who have contributed to the development of Canadian art. This remarkable gift was intended to ensure that future generations would appreciate and enjoy artwork that helped forge our national identity and that marked an important milestone in Canada's cultural awakening. The agreement made between the McMichaels and the crown was quite explicit about the focus of the collection: it was to be comprised of works by the Group of Seven, three of their contemporaries, and other artists who have made contributions to the development of Canadian art.

By 1972 the collection had grown into a major public institution. To better manage its interests, the government of Premier Bill Davis passed legislation to make the gallery a crown corporation with a nine-member board of trustees. The act carried forward the intent of the 1965 agreement and had the support of the McMichaels.

The legislation was amended in 1982. One of the aims was to protect the integrity of the collection by enshrining in law its focus on the Group of Seven, the indigenous people of Canada, and other artists who have made contributions to the development of Canadian art.

I think it's valuable to look back at what the minister responsible for that legislation, the Honourable Reuben Baetz, said at the time the bill went to second reading in November 1981, and I quote from Hansard:

"This bill will continue and enhance the vision that the McMichaels had when they gave their collection, home and land to the crown in 1965.... Nothing can ensure the integrity of the collection more thoroughly than the law itself."

It's worth noting that even the Liberal opposition of the day supported this measure, calling it a reasoned amendment. I hope they will be as co-operative today and in the days to come.

It was, in fact, under a Liberal government that the McMichael collection began to stray significantly from its original mandate. In 1989 an act was brought forward that expanded the focus of the collection. This legislation opened the floodgates. It watered down the unique mandate of the collection. It washed away the very elements that made the McMichael special and set it apart from other art galleries. From this have flown the years of rancour and dispute that have undermined the reputation and fiscal operation of the McMichael collection.

It's time to stem the tide, to return the McMichael to its original vision and mandate. It's time to act in good faith and keep the promises that were made in 1965. It's time to revitalize the financial viability of this singular institution.

Bill 112 honours the spirit and the commitment of the government's 1965 agreement with the McMichael family. It restores the integrity of the generous gift they made to all of the people of this province. It redefines the nature of the collection to reflect Canada's cultural heritage. The legislation specifies that the collection will be composed of artworks, objects and related documentary material created by or about Tom Thomson, Emily Carr, David Milne, A.Y. Jackson, Lawren Harris, A.J. Casson, Frederick Varley, Arthur Lismer, J.E.H. MacDonald and Franklin Carmichael.

The art movement they founded was based on the belief that the environment had a determining influence on Canadian character. By depicting our rugged landscapes with originality and honesty, using simplified forms and vivid colours, they inspired a new understanding and respect for this land and its people.

Robert and Signe McMichael have been among the strongest champions of this uniquely Canadian school of art, and their enthusiasm has enriched the lives of all Ontarians.

The legislation we are debating here in this House today allows for inclusion in the collection of artists who have made contributions to the development of Canadian art. These artists will be designated by an art advisory committee. Robert and Signe McMichael will be members of this committee. Bill 112 also affirms their lifetime membership on the McMichael board.

This collection has always been a labour of love for the McMichaels. Their passion, expertise and commitment will ensure that the collection they started and so graciously shared with their fellow Canadians will not only survive but thrive for the benefit of future generations.

Our government recognizes that, as the custodian of the McMichael collection, it must respect the artistic vision of its founders. We also have the responsibility to wisely manage the province's considerable investment in this public institution. That is why our plan to get the gallery back on track includes taking steps to improve the operations, finances and governance of the collection. We're also providing \$2 million to fix the roof, windows and mechanical systems of the building that houses the collection.

**1620**

We are confident that with better fiscal management, improved facilities and, most importantly, a clear sense of direction and mandate, the McMichael collection will once again attract art lovers from around the world and regain its foothold in the lucrative cultural tourism market.

As always, change brings with it some anxiety, and I want to take a moment to reassure Ontarians that this government is taking appropriate action to fulfill its role

as the guardian of an important part of our cultural heritage.

It is not our intention to challenge artistic freedom or the arm's-length relationship that government maintains with its agencies. It is not our job to dictate artistic tastes or make decisions about what is or isn't good art. It is our job to ensure that agreements made by the province are honoured in good faith, and it is our job to protect the interests of Ontario taxpayers. It is the job of this Legislature to help restore the integrity and financial health of a unique art collection that reminds us all of what it means to be Canadian.

We have the power today to set things right. Bill 112 gives legislative force to the original intent of the McMichael Canadian Art Collection: the collecting and displaying of the works by the Group of Seven and other artists who have made contributions to the development of Canadian art.

Restricting the scope of an art collection to a specific school, style or time period isn't a new idea. It certainly isn't the road to ruin some critics would have us believe. If you look around the world, you will see scores of renowned galleries and institutions that have chosen to focus their collections in a particular area.

The Rodin Museum in Philadelphia was founded in 1923 by movie theatre magnate Jules Mastbaum, who wanted to enrich the lives of his fellow citizens. He assembled a complete view of Rodin's work, including sculptures, drawings, prints, letters and books. The museum is today regarded as one of the finest Rodin collections outside of Paris.

Here in Canada, Calgary's Glenbow Art Gallery primarily portrays the history and development of the northwest. The collections of the Musée de l'Amérique française in Quebec City depict the settlement, development and dynamism of French culture in North America. The Tom Thomson Memorial Art Gallery in Owen Sound celebrates the rich artistic legacy of one of Canada's most famous painters.

I ask, who could argue with the success and popularity of these institutions? Focusing their efforts in a particular area has not damaged their credibility, nor driven away audiences, nor stifled artistic freedoms. In fact, it has had exactly the opposite effect. These public institutions are dynamic testaments as to how a clear mandate can serve as the foundation for creative vitality and fiscal prosperity.

Our debate on the McMichael collection must look at future possibilities, not dwell on past mistakes. And it must contend with the very real financial troubles that currently confront the gallery.

I couldn't help but think today, when the Premier was making his statement about the directions for the Legislature and for our government over the next while, of some of the similarities in the debate we're having on the McMichael collection to what we're doing in government generally. I think it was summed up very well in this sentence from the Premier's remarks: "We are keeping our promises, we are honouring our commitments,

we are doing what we said we would do and we will continue to do so."

Through the Premier's remarks, he stated that, for instance, the budget has been balanced, taxes have been cut, just as we promised. We've exceeded our target of 725,000 jobs in less than five years. He refers to teacher testing and the changes that we've promised the citizens of Ontario on the portfolio of education.

He reminded us that we have had extraordinary results in lifting people from the despair of the welfare rolls and that over 500,000 people are on their way to a job as opposed to being caught in welfare.

He reminded us how we've been working so hard to reduce job-killing regulation and that we have introduced a number of bills to reduce red tape across the province in so many areas.

He indicated that we're about to undertake some new changes; for instance, labour legislation that has been requested for so long allowing hard-working union members to know how much of their dues are going to be spent on salaries and benefits. He referred to the Employment Standards Act, and he also referred to the SuperBuild Corp. It was interesting. Before I arrived in the House this morning, we saw in my own riding an example of the kinds of investments that we've been making: \$9 million in the University of Guelph, focused on new jobs in science and technology.

These are not things that specifically refer to the McMichael bill we are debating today, but they speak to the broad intent of what we are trying to do in this bill and in government in general, which is to very clearly lay before the people of the province what needs to be done and to follow through to keep our commitments. To the McMichaels, to the people who understood their vision and their investment and their goal, we are keeping our promises today through this bill. The McMichaels have invested many years in amassing and developing a collection that is unparalleled in its historical and cultural significance. The Ontario taxpayers have invested millions of dollars to manage and operate the collection as a public institution, and we owe it to them to get the gallery back on its feet.

There were several things in the Premier's comments that I thought the McMichaels would find interesting. One in particular is illustrated in this paragraph: "Ontario is blessed with forests and valleys and lakes and rivers, but we must be responsible stewards of this living legacy. That's why we will dramatically increase the number of parks and protected lands through our Living Legacy program." Of course, it's under this government that we have added so many new provincial parks and protected areas, an unprecedented number that I'm sure people who appreciate the kind of Canadian art that we see at the McMichael gallery would understand and recognize. The Premier also mentioned that our attention will be turned to turning around brownfields, revitalizing abandoned areas that can become green spaces and integral parts of our communities.



One of the things that we have spent a great deal of time on during our government since 1995 is renewing Ontario's economic viability. I thought that was so important in the overall goals toward which this government has been working. We've been fixing government, we've been reforming, we've been improving, as the Premier says, but one of the underlying things that has allowed us to do the things we want to do is that we have focused on revitalizing the financial viability of the province as a whole.

The McMichael gallery has required us to turn our attention to fixing its financial viability as well. Bill 112 provides a solid footing. It will, we believe, restore the integrity of the McMichael collection and map out a vision for the gallery that is just as compelling and inspiring as those that guide other museums and other famous galleries which have chosen to focus on a specific vision. And more so, we are excited about this because it is a vision that is uniquely Canadian in both substance and spirit.

We are committing in this bill to returning financial health to the McMichael Canadian Art Collection. We are going to improve the physical structure of this facility. We are going to ensure that Ontario's investment in this facility is well managed and is returned. We believe that in doing this we are honouring our commitments and keeping promises not only to the people of Ontario but to the McMichaels.

I call upon all members of this House to support the legislation and to help us paint a bright future for the McMichael Canadian Art Collection.

**Mr Ted Chudleigh (Halton):** It's a great pleasure to speak to the House on this important topic today.

When the McMichael Canadian Art Collection was established in 1965, it became a leader in showcasing art that went so far as to define the Canadian experience. The collection's reputation grew exponentially as Canadians and visitors from abroad came to view and value the unique artworks that had been entrusted to the province by Robert and Signe McMichael. The collection was a realization of the McMichaels' dream of a lasting tribute to the work of the Group of Seven and their contemporaries.

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This summer I had a unique experience. As you are aware, Ontario's Living Legacy, as it was announced by the Premier in March 1999, was the largest expansion of parkland in Ontario's history. It created, among other things, nine signature sites across the province. A signature site was a location of parkland in a particularly unique and valuable part of Ontario's parks.

One of those nine signature sites was referred to as the Great Lakes heritage coastline. The Great Lakes heritage coastline travels through that most beautiful part of Ontario which, Mr Speaker, I'm sure you're aware of a good portion of. I heard your name mentioned often as I travelled the coastline this summer. That coastline runs from Port Severn up the east coast of Georgian Bay, across the North Channel, through the St Marys River

and on around the north shore of Lake Superior and encompasses what is truly a unique and very beautiful part of Ontario.

In finding out how we would manage this unique part of Ontario, I had the opportunity to travel that coast this summer. In entering the southern reaches of Georgian Bay, you can understand the drive that would take an artist out of Toronto on the train going north, getting off the train and walking, hiking or canoeing through the wilderness to camp out of doors and to paint what are truly some of the most remarkable viewsapes in the world.

As you travel up Georgian Bay, you notice the unique differences. The southern part has grey rocks and heavy foliage cover with pine trees. As you get further up the coast, you get introduction of cedars and a much pinker shade in the rocks. I think these differences would have driven the Group of Seven to continuously expand their route north as they went and painted what became the entry to the Ontario art world.

As you get to the north end of Georgian Bay, you come into view of the white mountains of Killarney park, which are truly unique. Out of this pinkish rock and the blue water, all of a sudden these majestic white mountains rise up, which is the home of the Killarney provincial wilderness park; again, a truly unique experience. There is a lake in Killarney Provincial Park which is called the OAS lake, Ontario artists' society. It is truly magnificent. Once you see it, you understand how even someone who doesn't have artistic skills, such as myself, takes a photograph of it, but it's not the same as sitting down and painting the majesty that you would see there. It was truly a terrific experience.

As you go beyond Killarney—and the Group of Seven did; they went all the way across to Lake Superior—you run into the Benjamins, which is a group of islands. They are very unique islands in Ontario. As you know, the granite of the Canadian Shield is on the North Shore, and Manitoulin Island is limestone. It is in the Benjamins that the two meet and you have unique landforms and tremendous difference in the types of trees and the types of plants that grow there. You can identify from a long way away what type of rock they're growing on, since it varies by whether they are growing in limestone or whether they're growing on the granite. I believe it was A.Y. Jackson's West Wind that showed the pine tree growing out of a crack in the rock. It would appear almost impossible for a tree to survive in that condition, yet there it is, and they are legion all up that coast.

As you travel across the coast and continue on through the North Channel, again you hit a different type of viewscape, a gorgeous viewscape but a different type that has perhaps a broader view. It isn't the tightness of the islands of eastern Georgian Bay. It is much wider, and I think the artwork of the Group of Seven pointed that out. It caught the spirit of that great land, a land that is represented by our Speaker today.

I was going to mention that the North Channel is also the home of perhaps some of the finest boating anywhere

in the world. As you go through the St Marys River, again you have a different type of viewscape. It's a much tighter channel. It's much closer together and, of course, boating becomes a much more exacting science. When you take your boat into those waters, you do so with great care.

One of the things we noticed as we hit Manitoulin and up into the North Channel and the St Marys River was the multiplicity of bald eagles. Every time we turned around we were seeing bald eagles. This is a bird that was almost extinct at one time, and now they're back with a vengeance. We became very lethargic about spotting another bald eagle: "Oh, there's another one." Over one island we spotted 12 bald eagles: four adults and eight young ones. It was a grand experience to see these majestic birds coming back into our lives.

I've cast my mind back to the Group of Seven's work, and I don't recall them ever including any wildlife in their art. That's a great shame, but in those days that wasn't an acceptable type of artwork to put forward. Certainly we have great Canadian artists—for instance, Robert Bateman—who have done tremendous work creating those kinds of experiences.

As we go across the north shore of Lake Superior, again you see different viewsapes across a very dangerous lake. Its openness requires people to look on shore more than they look to be in the water. On shore, of course, is where the artist is. The mountains that come down to the north shore of Lake Superior give the tremendous viewscape that I'm sure would have driven an artist mad when he had to leave to go back to the city.

I think most of the Group of Seven were lithographers and had to come back to their jobs for five or five and a half days a week. They were restricted in their painting of the northland by the need to earn a living. When they had to leave and come back to the city, I'm sure it must have broken their hearts to leave the beauty you see across the North Channel and across the north shore of Lake Superior.

The IMAX picture North of Superior, which opened when Ontario Place opened back in the early 1970s, is a magnificent picture and creates a love of the province that, once seen, you will always share.

As I said, the collection was a realization that the McMichaels' dream of a lasting tribute to the work of the Group of Seven and their contemporaries would have this permanent home. But in recent years, the dream became a nightmare of broken promises, endless controversy and financial uncertainty. Our government is seeking to right the mistakes that have eroded the gallery's success and stability over the last few years. We recognize this will take leadership, both by government and the people charged with the collection's operation and management.

Our government has moved boldly and resolutely to provide clear direction for the McMichael gallery, keeping in mind, as the previous speaker mentioned, that the McMichaels gave not only their collection but their home and their property to the province of Ontario for safe keeping, so that the people of Ontario can have this

experience of seeing this quality of artwork so close to the majority of the population of Canada. It would be a great shame if this government didn't move along this line.

#### 1640

We've introduced legislation to return the collection to its original mandate of collecting and displaying works by the Group of Seven and other artists who have made contributions to the development of Canadian art. We're supporting the collection with resources to ensure these valuable pieces of Canadian history are housed in a safe and secure environment, and we're taking action to address the McMichael's deficit and to restore the collection to financial health.

Putting the McMichael on a firm financial footing will not be an easy task. An independent auditor's report put the gallery's deficit for the 1999-2000 fiscal year at \$1.6 million. The report points to such contributing factors as increased costs, fundraising shortfalls and declining attendance. The report also identifies operational weaknesses and governance issues.

In response to these concerns, the Minister of Citizenship, Culture and Recreation, the Honourable Helen Johns, recently announced the appointment of business leader and philanthropist David Braley as the new chair of the McMichael Canadian Art Collection. This is an absolutely remarkable appointment. We're so fortunate in Ontario to have people like Mr Braley who will give their very valuable time to projects such as this. Mr Braley's impressive business background, his financial expertise and his outstanding record of community service make him an excellent choice for this very important post.

Mr Braley is the owner of the highly successful auto parts manufacturer Orlick Industries. The company is a major Ontario employer and a respected corporate partner in many community initiatives. Under Mr Braley's stewardship, Orlick Industries was recently named a General Motors supplier of the year, which is a highly prestigious achievement.

In business circles, Mr Braley has a reputation for being innovative as well as pragmatic, a rare combination. His financial and managerial acumen will certainly be a great asset to the McMichael as it strives to improve its day-to-day operations. Local residents and businesses in the Kleinburg area will welcome the value Mr Braley places on community involvement.

In his home town of Hamilton, Mr Braley has been inducted into the Hamilton Gallery of Distinction in recognition of his significant contributions to the betterment of that city. Mr Braley has served as chair of the superboard for the Hamilton Convention Centre, Hamilton Place and Copps Coliseum. He is a governor of the Art Gallery of Hamilton, which is the third-largest public gallery in Ontario. As a patron of the Hamilton gallery, Mr Braley was instrumental in an experiment of offering free admission, which the gallery undertook in 1999. As it turned out, donations received by the Art Gallery of Hamilton actually exceeded receipts that would have been expected from admission charges. That sounds a lot



like tax cuts to me. When you cut taxes, you get more revenue because there's more business being done. In this example, he gave free admission to people and asked them to make a donation. Because of the number of people who went through the turnstiles, you made more money than you would have if you had been charging admission. At the same time, in 1999, the attendance increased by 60% because of this experiment, and there has been a further 40% increase in admissions so far this year. These are impressive figures, the kind the McMichael collection will need to emulate to turn its fortunes around.

Together with his wife, Nancy Gordon, Mr Braley has provided \$1 million towards the establishment of a chair in family medicine at McMaster University. He and his company have also endowed the department of mechanical and manufacturing engineering at McMaster with a further \$1 million to establish a chair in advanced manufacturing. Mr Braley's first-hand experience as a donor and corporate benefactor will serve the McMichael collection well as the gallery works to strengthen its fundraising capacity and attract new sponsors.

Mr Braley is perhaps best known to Canadians as a former owner of the Hamilton Tiger Cats football team and current owner of the BC Lions. I'm not sure how we let him get away to BC, but there you go. The McMichael stands to gain from the many insights this has given him about the value and importance of teamwork and good team relations.

Mr Braley's team at the McMichael collection will be the gallery's board of trustees. Bill 112 gives the Lieutenant Governor in Council the authority to appoint up to 19 trustees, with four more appointed by the board itself.

Mr Braley will have the distinct privilege of working with the McMichaels, who are lifetime members of the board. It was thanks to their generous gift in 1965 that the collection became a part of Ontario's cultural legacy. Bill 112 validates the trust they put in the province to preserve, protect and develop the collection for the benefit of all Canadians.

The McMichael board of trustees is facing some tremendous challenges as efforts get underway to restore the integrity of the collection and return it to financial health. The energy, creativity and commitment of board members will be absolutely essential in addressing some of the financial and operational pressures that have plagued the gallery in recent years.

Our government is confident that with the clear mandate provided by Bill 112, funding for capital improvements and other measures to stabilize the McMichael financial situation, the board will have the tools it needs to bring the collection into the forefront of the international art world, where the Group of Seven has long belonged.

**The Acting Speaker (Mr Michael A. Brown):** Questions and comments?

**Mr Mario Sergio (York West):** I'm delighted to add to the comments by the two members from the govern-

ment. Let me say that the real issue is not only giving a wonderful account of the wonderful country that we have in Ontario here—the lakes, the rivers, the rocks and what have you—and indeed, it is a great country. As a matter of fact, I'm delighted to support our heritage by displaying two prints of one of the Group of Seven in my office. I do agree with the members that it is a wonderful place. We are very thankful that indeed we have this history here that can be kept and conserved for many future generations.

The issue, however, is with the government and the board of the McMichael collection. I know the collection very well. I know the location, Kleinburg, very well, and some of the board members as well. But I think the issue has to be for the government to say, "Here it is. Manage it, and give us an account at the end of the year."

The government cannot say, "Give us an account at the end of the year," and then interfere with the day-to-day operation of the McMichael collection. It is important that they operate aside from the interference of the government. It is important because it's a major attraction, not only touristic but it's also a wonderful place where many of our schools take our kids and learn from it. So I think it's important that the government reduce their particular situation, their particular stance. Even though they are funding part of the McMichael collection budget, it is important that they let that board function exclusively and solely on their own.

**The Acting Speaker:** The member for Toronto-Danforth.

**Ms Marilyn Churley (Toronto-Danforth):** Very good, Mr Speaker: You got it on your first try, the new name of my riding.

I'm not supporting this bill. What's this? Mike Harris is going to become an art critic now, on top of everything else? It's going to be him and not artists and curators making the decision about who tells the McMichael gallery what kind of art they should show? This is ridiculous.

The NDP caucus appreciates the contribution of the McMichaels, but the gallery is now a public gallery and it has moved for some time to collect contemporary art as well as the Group of Seven. That is the sign of a living culture. But Mike Harris once again wants to turn back the clock here. We are really concerned that this move could lead to more starving artists in Ontario. Mike Harris's meddling in the arts could mean the sell-off—there's going to be a glut in the market to sell off thousands of pieces of work by contemporary Canadian artists. That is not the right direction to go.

I noticed the member from Guelph somehow comparing this bill before us today to the Premier's state-of-the-world speech he gave earlier in the House today about keeping promises and moving forward. It reminds me more of what the government is doing with their labour legislation. Talk about turning back the clock. They want to start making people in Ontario now work 60 hours a week. That's an example of this government not being with it at all, but turning back the clock.

This is a really bad idea. We support the government's decision to help with the financial issues within the art gallery, but this is not a good idea. The government of Ontario should not be deciding what kind of art is in public art galleries today.

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**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I'd like to comment on the remarks made by the three government members: the minister, the member from Guelph-Wellington and the member from Halton.

I think most Canadian schoolchildren today, and, indeed, Canadians, when they think of prime Canadian art, think of the Group of Seven and the wonderful work that's been done over the years by that group of artists. Bob McMichael and Signe McMichael, who happen to live in my riding—they live specifically in Caledon—have spoken to me many times about how they have been afraid as to the direction this gallery was going. They have spoken to me, even during the time when the New Democratic Party was in office. They go back to a turn in the change of the mandate, which happened in the late 1980s. In fact, their fears became realistic, the fear of, first of all, a \$100,000-, \$400,000-, \$700,000- and finally, after a provincial audit, a \$1.6-million deficit to this particular gallery. Revenues were down, attendance was down, people were not interested in the direction in which this gallery was going. It's an Ontario gallery, an Ontario government gallery. It preserves the greatest art that we have in this country, and yet it was on the brink of bankruptcy.

Mr and Mrs McMichael pointed out that the direction that was taken by this gallery in subsequent years, particularly from the late 1980s to the present, was not being followed, and that was the reason this gallery was going down the toilet. This bill is going to correct that.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I listened carefully to the comments made by the three government speakers, including the minister, and I must say that I was here 20 years ago when we dealt with Bill 175, the bill to which Minister Johns made reference. I remember it very well. I don't doubt that there are some problems at the gallery, but I have to say that this Bill 112 troubles me a great deal. I paid little attention to it until a few days ago. I read it and I say sincerely to my colleagues across the way and elsewhere: how did this ever get through a cabinet?

One thing we should do, all of us, is read this bill. The bill is extraordinary, quite apart from its intent to deal with the McMichael gallery. Look at this bill. Read the bill. This bill proposes a sweeping retroactivity which any self-respecting Legislature would be loath to endorse. I remember 18 years ago, standing in this place day after day, trying to responsibly defend what I felt to be the beleaguered interests of Bob and Signe McMichael. But in the worst of that 1981-82-83 period, I don't ever remember Bob and Signe or their distinguished lawyer, J.J. Robinette, asking for what is contained in Bill 112.

I can tell you that a Davis government, a Peterson government, a Rae government, for all their sins, I can't

imagine would have granted it. The Harris government just a couple of years ago went to the Court of Appeal to have certain matters clarified. The senior judges made plain for Minister Bassett who was in control of what.

I say to my friend the minister this is a very troubling bill. This is a bill that ought to get all of the difficulty that I and others intend to give it, because if there are problems of the kind she has described, this remedy is entirely inappropriate to those problems as she has described them.

**The Acting Speaker:** Minister.

**Hon Mrs Johns:** I just want to review a couple of the comments that my colleagues opposite have made. Let me be very clear: when you have a chance to review Bill 112, you will not find the government meddling in the art community. What you will find is that an art advisory committee of five people is allowed to work together to look at the art that's accumulated, to look at new art that may well be purchased by the gallery and to make decisions that are far-reaching about who this gallery will be a patron for.

Let me just say that you will see no reference in this to the government, the Harris government or any other government, meddling in what is art at the McMichael art gallery. I challenge anyone to show me the section in the bill, because it's just not there. Let me also say that there's no question that this board, albeit a great board, was not functioning well. It was not functioning well because they have problems with controversy, they have problems with the financial situation—those two issues are linked. Every time they tried to raise money, there was controversy about the previous bill and about the McMichael gallery.

We need to be there to help the McMichael to be there for future generations. When a board comes to me and says, "We think the debt is \$300,000," and it goes up to \$1.6 million when an audit is called, I think each of you in this House should be outraged, and you too, like myself, should move to fix the issues. That's what I did in this bill, along with the cabinet. That's why we've brought the bill forward. We want to fix the issues so that the McMichael can leave a legacy for our children and our grandchildren. They deserve it.

**The Acting Speaker:** Further debate?

**Ms Caroline Di Cocco (Sarnia-Lambton):** I am pleased to inform the House that I will be sharing my time with the member from Kingston and the Islands and the member from Renfrew-Nipissing-Pembroke.

I'd like to state that, first of all, this bill is a disgrace. I say that because it has nothing to do with financial health. As a matter of fact, this bill will do exactly the opposite. If you wanted to deal with financial accountability, you did not need this legislation. You already had it within your powers to deal with financial accountability. As well, in my estimation, this bill is about Mr Harris helping his friends; that's what this bill is about. With all the pressing issues in this province, the first bill to be debated in this House is An Act to amend the McMichael Canadian Art Collection Act. Now, I ask the



question, is the government's cupboard bare? You obviously have run out of what you're going to downsize, what you're going to download, what you're going to cut, and you may also have run out of what you've rendered dysfunctional, and now you're going to look at the art community.

Minister, I ask you to do the honourable thing and withdraw this ludicrous bill. This bill is a disgraceful abuse of power and this Legislature.

This bill sets out to recognize the gift of the McMichael Canadian collection in 1965, and the original vision of Robert and Signe McMichael for the collection; in fact, this bill constitutes a breach of trust with the people of Ontario. First of all, I'd like to point out to Minister Johns and to Mike Harris that the gift of the McMichaels was bought and paid for by the taxpayers of this province. The McMichaels signed an agreement with the province of Ontario and gave as an outright gift to the crown 14 acres of land and a house, as well as 150 pieces of art and 34 prints. Since then, the 14 acres have grown to 100 acres and the 150 pieces of art have grown to 6,000.

I would like to put into the record the compensation that was accorded to the McMichaels for their gift. The original gift totalled \$835,425. They received a tax receipt of \$1,815,515 for that gift. The McMichaels were given the right to live in that house for free until 1982, plus a car and a housekeeper paid for by the province. Robert McMichael was given a salary totalling \$400,000 for the four years after he stepped down as director in 1982. That same year, the government of Ontario purchased a \$300,000 house for the McMichaels.

1700

I would like to state to the minister that the McMichaels have been recognized, and they've been recognized above and beyond many of the other donors who have contributed substantially to the collection. I would like the minister to keep in mind that this art gallery is an independently governed crown agency of the province of Ontario.

If this bill is to recognize the gift of the McMichaels, what about the 327 individual donors who have given over the years and 15 other donors, the organizational donors to the McMichael gallery with donations totalling \$13.5 million? One individual alone on this donor list has contributed \$1.6 million, which is well above the actual dollar value that the McMichaels gave. What is the minister going to do? Are we also going to have more legislation that's going to recognize all of these gifts? What about the millions of taxpayer dollars that have been spent to expand the building and to increase the property? Are you going to sell it all off and render it back to the original 1965 size as well? What are you going to do with all the works of art that have been amassed in that gallery?

This bill states that, "It is appropriate to return the collection to, and then maintain it in, the spirit of its original focus." That focus, as stated in the first sentence of the explanatory note, is the "vision of Robert and

Signe McMichael." I'd state as well that it says, "Robert and Signe McMichael should continue to have significant roles in matters related to the collection." Are you going to give significant roles to all of the other donors in controlling the collection as well?

What is so bizarre about this bill and its purpose is that in 1997 this same government, under Minister Isabel Bassett, spent thousands of taxpayer dollars to fight Robert and Signe McMichael in court. The McMichaels took the province and the gallery to court so that they could regain control by arguing exactly what this bill is doing, by arguing a return of the collection to their interpretation of the 1965 agreement. They lost; you won. Now you're bringing legislation to circumvent that legal decision that went in your favour. This has got to be the mother of all flip-flops.

Minister Johns, have you seen the Ontario—

*Interjections.*

**Ms Di Cocco:** Have the members on the other side of the House seen the Ontario Court of Appeal decision of 1997? Have you seen this? It's *McMichael v Ontario*. I would like to read from the court decision:

"The dispute continued between the McMichaels and the board. Robert McMichael clearly resented the diminution of his powers as the board increased the number of members in the acquisition committee to the point where Mr McMichael says that he was often one vote against seven." That's called democracy, by the way. Again, I'm continuing to quote from the actual court case here: "The board saw the collection as a large public institution requiring public accountability and was opposed to what they saw as Mr McMichael's instinctive drive to nurture the collection as his private fiefdom." That is what this bill is in fact doing. This bill is in fact going against the ruling of the Ontario Court of Appeal. I would suggest that the minister and the members of the government take a good look at that court case, *McMichael v Ontario*, 1997.

Judge Carsey stated in paragraph 97:

"The only way that I can sensibly read this agreement is that the board of trustees has ultimate control of acquisitions, the new director has the responsibility for implementing the policies and directives of the board with respect to acquisitions and that Mr McMichael's role is to provide counsel and advice on acquisitions. This is totally inconsistent with an advisory committee that was, as Mr McMichael saw it at the time of its operations, under his influence and control."

Again, that's a quote from the court decision and that's exactly what we're returning to. This legislation will return to an advisory committee of five people who will have curatorial control of curatorial direction.

I want to submit for the record a number of letters that I have received over the summer. One of them comes to me—he used to be a vice-chair and a chair and he served on the board for a total of 14 years through Liberal and NDP appointments. He is still a councillor on that board. He created the foundation which is the fundraising arm of the McMichael; under him the gallery made approxi-

mately \$12 million in donations. It has reduced the province's annual contributions by 50%. He said that it's hard; he works on fundraising, but it is difficult to do because two individuals want control. That was his opinion. People just stopped giving their money. So this has nothing to do with fixing the accountability factor; this is about returning control. This gentleman also stated to me that he knows Mr Harris is a friend of Mr McMichael and that this is about giving a friend what he requested.

The Canadian Museums Association has written—they have grave concerns about the governance of this bill. The Canadian Museums Association is the principal voice of the national museum community, including major art museums and galleries from coast to coast, and they have grave concerns about this bill.

The Ontario Association of Art Galleries says, "Our board and membership have concerns about the content of this proposed amendment to the original McMichael Act. Our concerns focus on the relevant areas or issues that are essential to the professional operation of any of our member galleries, that staff and boards adhere to our policies"—to the Ontario Association of Art Galleries's policies—"and recommendations on acquisition and de-accessioning procedures, proper governance, donor roles and relations and the importance of paid professional staff, that they play a strong role in all of those functional areas." They have concerns about the potential disposal and the de-accessioning of works of art gifted to the McMichael Canadian Art Collection by various donors over the years, who expected to see their works remain at the McMichael in public trust. They're concerned about the governance issue of the advisory committee working with the McMichael Canadian Art Collection's board on issues of assessing which Canadian artists have made a contribution to the development of Canadian art.

I have another letter stating—and this comes from Ottawa—"What is going on with the gallery? I worked in the gallery as a volunteer for 15 years before moving to Ottawa.... I still maintain my membership at the McMichael because I ... enjoy what is presented there....

"As a long-time friend of the McMichael, I deplore what is happening with Bill 112. The government should not be interfering and acting hastily without thought for the future.

"What Bob McMichael gave in 1965 was given and received in good faith. It should not be returned to him or to any one person, but should remain in the hands of the people of Ontario."

1710

There is another letter that came from Whitby, Ontario. "I am concerned that amending Bill 112 will set a dangerous precedent for public art galleries in Ontario and greatly restrict the mandate of the McMichael Canadian Art Collection....

"The province of Ontario is now attempting to turn back the clock and honour this original mandate. The province should allow the McMichael Canadian Art Collection to expand and grow along the lines set out by

arts professionals. Why should taxpayers allow Mr McMichael to dictate policy? Why does he continue to wield such power over the direction the collection is taking?...

"As a taxpayer, and a citizen of Ontario, I would appreciate it if the government of Ontario would allow the gallery to be run by arts professionals."

I can go on and on. We have other letters. There is another letter from a gallery owner, and he says, "I feel Bill 112 is dangerous and a serious breach of the arm's-length separation of government and public arts institutions. It will result in a significantly reduced collection, a restricted list of artists whose works may be shown, and an alarming limitation on the types of programs that may be offered....

"Fiscal responsibility is one of the primary concerns in the operation of a public institution. I have no argument as to the commitment of the board, administration, and the government in directing this obligation. There is also an obligation to the place the McMichael has taken within our cultural fabric. We cannot turn back the clock and ignore the contributions of so many....

"As a visual arts professional and the director of a public gallery in Ontario, I feel there is one portion of Bill 112 that is fundamentally dangerous to all cultural organizations. This bill will seriously diminish the public gallery's ability to attract supporters and to develop meaningful collections."

So in actual fact, according to these professionals, this does exactly the opposite of maintaining fiscal health.

There are more letters. I'm only picking out a few of them. All these people are concerned about this governance issue. This bill is a disgrace.

"I have been a volunteer at the gallery since" its inception.... I was chairman of that committee for three years....I have first-hand knowledge of what the public wants....

"Bill 112 will result in a significantly reduced collection, a restricted list of artists and a limited type of program....

"Already some sponsorships and contributions from patrons have been withdrawn."

Again, one of the letters goes on to say, "To be quite frank, I'm horrified that this is transpiring in our country. Not only is the provincial government censoring an existing collections policy, but their actions will result in the sale of public property. I find it sickening that artworks that are today the property of all Canadians, available to be enjoyed by all, will likely be put on the auction block and end up in the hands of private collectors."

I would say to the minister, since they did not consult with the boards, they did not consult with the art community to draft this bill, that this bill is extremely, extremely dangerous.

With 6,000 pieces of art in its vast collection, including the most significant public collection of works by aboriginal artists in Canada, the McMichael Canadian Art Collection has evolved and grown over its 35-year



history as an independently governed crown agency of the government of Ontario. It is a prestigious gallery that is said to hold the largest collection of Canadian art in Canada.

The McMichael collection began as a modest but significant collection. It now has over 6,000 works of art built up by the collective passions and contributions of past and current curators, professional staff, trusting donors, boards of trustees and volunteers.

I'll say it again: Robert and Signe McMichael have been duly recognized and truly acknowledged for their generous gift. There has never been any suggestion that their role in the founding of the McMichael Canadian Collection ever has been ignored or downplayed. "What Bob McMichael gave in 1965 was given and received in good faith." Control "shouldn't be" restored, "returned to him or to any one person."

That's what that bill in fact does. It "should remain in the hands of the people of Ontario." The Ontario Court of Appeal rendered judgment against Mr McMichael when he tried to gain control through the courts. Now you, the Harris government, and Minister Johns are circumventing that legal judgment on behalf of his friends.

The court decision upheld the direction the board had set and didn't support the McMichaels's narrow view. I ask again, what's going to happen to the thousands of pieces of work that have been entrusted to the province by the hundreds of donors who've contributed to that collection?

When we talk about the composition of the board of trustees and the way the government is going right in there, taking charge—and again, it has nothing to do with accountability, because accountability is at the government's fingertips now. They don't need to bring in this legislation. But you are breaching the arm's-length relationship between crown corporations and the government. The McMichael gallery is a member of the Ontario Association of Art Galleries and, as such, adheres to those policies and recommendations. This bill is breaching the relationship.

You also talk about this advisory committee. This section, section 4, compromises the board's fiduciary responsibility to all the people of Ontario and it implies that they will be under the control of the minister, who is customizing this bill for the interpretation of private individuals.

The good governance and professional integrity of the McMichael gallery in particular, and all art galleries by inference, are being questioned and jeopardized. The minister is redefining the nature of the collection to reflect the original intention of Robert McMichael. It again undermines its fiduciary responsibility. You cannot turn back the clock.

The McMichael gallery and its Group of Seven collection is of great importance to the province of Ontario and to Canada. The Group of Seven became united under a vision of redefining Canadian art. They were innovators who took the artistic techniques and

styles of their time to new frontiers. I do not believe they would have wanted the creative expression and showcasing of Canadian artists to remain stagnant. I believe the group would have wanted Canadian artists to continue to redefine artistic expression just as Canadian society continues to redefine Canadian culture.

#### 1720

The fundamental principle of arm's-length relationship is being undermined through this draconian piece of legislation. The people of Ontario are the rightful owners of the McMichael Canadian Art Collection. This gallery should not be robbed of its rightful place in our thriving national cultural development. The McMichael Canadian collection belongs—again, I'll say it—to the people of Ontario and to Canada.

Mike Harris and the Ontario Conservatives should not be in the business of being artistic judges or setting curatorial direction, because that's exactly what you're doing with this bill. Legislating curatorial and artistic judgment for private individuals is inappropriate and it's dangerous.

This legislation is yet another symptom of the Harris government's need to centralize control in order to help out his friends. It shows an arrogance of unprecedented proportion in the province towards the artistic and cultural integrity of Ontarians.

I'll say it again. This Bill 112 constitutes a breach of trust with hundreds of donors. It constitutes a breach of trust with the arm's-length relationship of the government and public arts institutions. It diminishes the authority and responsibility of the board of directors. And now Mike Harris and the minister will have the role of artistic judge. It vests way too much power in the hands of the founders, who have been compensated for their generosity.

This bill changes the rules to override a previous court decision that was unfavourable to the founders' request for control. It is a way to help Harris's personal friends who did not get their way in court. That's what it seems to me.

Is your cupboard bare when it comes to legislation? Do you have no plans for this province? Because this bill, which I believe is a disgrace, is the first piece of legislation that you introduce after you've been away for four months.

This bill, as far as I am concerned, is a dangerous precedent, and I'm hoping that the government will rethink and withdraw this bill before it is passed.

**Mr Conway:** I am not pleased to participate in this debate because, quite frankly, I am incredulous that we've got this bill. I listened very carefully to the minister, and I want to say, with all due respect, I don't doubt there are problems at the gallery. I want to say to Minister Johns that one of the reasons I got interested in this 18 years ago was that the then government of Ontario seemed to have said to the gallery—there was a need for money because the place was in bad shape—

**Mr Wayne Wettlaufer (Kitchener Centre):** It still is.

**Mr Conway:** Well, that may be, but I'm just going to tell you what happened 18 years ago as a context.

I remember the day that the word was out that the gallery said it needed \$10 million for a whole bunch of upgrades. The Davis cabinet, in its wisdom, said, "You're going to get half of that," and the gallery went and spent the \$10 million, the Legislature and the cabinet be damned. That's how I got interested.

I was just over the weekend going through the papers from 1981, 1982 and 1983. One of the most distinguished members I've ever served with, the late Jim Renwick—Ms Churley's predecessor from Riverdale, a very distinguished lawyer known to some of you members of the current bar—was among a few members—Stuart Smith, the then Leader of the Opposition was involved and so were a lot of other people as to what was going on at the gallery. I'm not going to recite all of what happened in 1981-82, but I can tell you that there was a sense in the Legislature that the McMichaels were put upon. It was never clear by whom, although it certainly seemed to some that it was the bureaucratic establishment within the old Ministry of Culture and Recreation.

As I said a few moments ago, I remember establishing in those months quite an interesting parliamentary and social relationship with Bob and Signe McMichael. Through them, I had one of the most delightful and memorable encounters of my public life. I got to spend two afternoons—and I'll tell the story briefly—because their lawyer, J.J. Robinette came to me and said, "The McMichaels have a friend who can't come to the committee but would like someone to go and hear his story." I said, "Who is it and where is it?" "Oh, it's in Toronto," said Mr Robinette, "it's up in Lawrence Park." I said, "Who is it?" The person was A.J. Casson.

I can't tell you what a delightful couple of November afternoons I had with A.J. Casson, not so much talking about the gallery, although he talked about that a bit, but about the Group of Seven and the art experience that many of you know a lot better than I.

I want to say to the minister, at that time Minister Baetz and Minister McCaffrey came to the Legislature and said, "There are problems. There are problems with the financial operations of the place. There are problems with health and safety." The record is replete with that evidence, and I thought the government had a much stronger case than the Legislature seemed to feel it had about accountability for public monies spent.

I say to the minister, I listened very carefully to her argument this afternoon. She's much closer to this than I. I don't doubt—I have to accept her word—that there are problems. There are problems financially, apparently. There are other problems. Those problems we've had before. I have looked. I went to the library this morning and I said, "Give me the annual reports for the McMichael Canadian collection for the last 20 years," and I have them, except we don't have any published reports beyond 1996-97. I'm told by the library that in fact there are a couple of reports outstanding, not yet tabled. The last one I could get was the one for 1996-97.

I say to the minister, if there are problems with the administration of the gallery, then surely a good question is, what's the minister done with respect to the board and to the administration?

**Hon Mrs Johns:** I told you.

**Mr Conway:** You did tell us and that, it seems to me, is the kind of remediation that I would expect a government to take if that is the problem. I'm not denying that you've got some of those issues. The difficulty I have and the difficulty that the House ought to have with this bill is that what the bill contains is a very different—I would appreciate it if the minister of police would either engage in the debate or—Dave?

*Interjections.*

**Mr Conway:** Well, it's difficult, I say to my friend. I don't mean to be difficult, but I am troubled by this bill and I want to know, quite frankly, how this bill got through cabinet because it's a very troubling bill, I say to the Solicitor General. I'm prepared to accept that there are the problems that the minister referred to, but Bill 112 contains very sweeping remedies that I do not think are justified.

*Interjection.*

**Mr Conway:** Well, I just know what I have in front of me and I have a bill—

*Interjection.*

**Mr Conway:** Really, no, it's not a question of reading it. All I know is that, for example, between 1986 and 1996 the people of Ontario, according to these annual reports, through this Legislature have voted \$35.5 million to support that public institution. The government of Canada has spent hundreds of thousands, and I think millions if you add them up, also in support, to say nothing of all of the individuals, donors and otherwise, who have supported the McMichael Canadian collection. But what have we got in Bill 112? We've got a number of things that should trouble this Legislature, should have troubled the cabinet.

I want to say to the minister, just as Reuben Baetz did not get away with his original plan, you are not going to get away with Bill 112. No self-respecting Legislature can let you do that. I don't offer that as a partisan observation. Read this bill. This bill basically says the following: to respond to the financial problems at the gallery, the current government is now going to do the following thing. It is going to create a condition whereby 35 years after the gift was made by Bob and Signe McMichael in 1965, and after various governments and various courts have clearly adjudicated the responsibility of the Legislature and the government to set the terms and conditions for what is now a public institution, this government with this Bill 112 seeks to return to Mr Bob McMichael and his wife Signe—good people—very substantial control consistent with their intentions in 1965, notwithstanding the legislation, the funding, the bequests and the court judgments of the intervening 30 years.



1730

My colleague from Sarnia is right when she asks this question: what of the hundreds and thousands of donors who have given artwork to the McMichael? What of the ministers of revenue who have issued tax receipts in the name of the public to those donors? When are they going to have their interests represented? That gallery contains work by people like Morrisseau and Riopelle. If you read this act, Bill 112 very clearly sets out, in section 8 of the bill, "The Board shall ensure that the collection reflects the cultural heritage of Canada and is comprised of art works and objects and related documentary material created by or about" Thomson, Carr, Milne, Jackson, Harris, Casson, Varley, Lismer, MacDonald and Carmichael.

**Hon Mrs Johns:** And other artists.

**Mr Conway:** And other artists, absolutely—to be decided by this new art advisory committee essentially controlled by the McMichaels and the Premier of Ontario.

**Hon Mrs Johns:** Plus five.

**Mr Conway:** Oh, no. Bob and Signe and the chair and the vice-chair: Who appoints those people?

*Interjection.*

**Mr Conway:** I am just telling you that under this bill, you've got a powerful new committee that is controlled by Bob and Signe McMichael and the Premier of Ontario. I just ask you to think back to people who have contributed art to that gallery between 1970 and the year 2000. It is reported in the *Globe and Mail* by a distinguished arts journalist, Ray Conlogue, that there is talk of the gallery shedding up to 3,000 of its collection.

Bill 112 contains sweeping retroactivity. Forget for a moment that it's about an art gallery. Look at what we propose to do here. We propose, all of us, to stand up and assent to legislation that says, "We are going to reach back over 30 years and retool in some way"—I don't know how you're going to do it—"gifts made and tax credits issued." That's preposterous.

**Interjection:** Is it legal?

**Mr Conway:** I don't know that it is legal. I'm sure that at some point it's going to be tested.

The minister was at great pains to say, "Oh, it's site-specific." Baloney, it's site-specific. I know, and I'm sure government members know, I'm sure ministers know—I tried today to track down Isabel Bassett. I can imagine people like Ms Bassett and others out there, trying to encourage people to donate to crown institutions. Can you imagine? I've talked to a few people. Are you kidding? The minister knows there are people out there ballistic over this. And they're not ballistic about the fact that there may be problems that should be dealt with at the administrative level; there are a lot of donors who are furious—furious at two levels. This bill seeks now to reach back retroactively and presumably change gifts honourably made, honourably tax-credited. It seeks to give to Bob and Signe McMichael a control, quite frankly, that they themselves recognized in 1982 had, in large measure, devolved to the province of Ontario.

The interesting experience I had with Bob McMichael in 1982 is, at the end of the day, there was a peace treaty between Minister McCaffrey, presumably Premier Davis, and the government, and as somebody said earlier, they were right. There was, to some real degree, some relief, and some all-party consensus to support that.

I repeat: not in the worst moments of the 1981-82 debacle did anybody ask for what Bill 112 offers. I can assure you that the Davis government, to its credit, was not about to offer it. Jim Renwick and I, who were there together with people like Stuart Smith, Bill Hodgson and others—Bill late of York North, a good Conservative from up in the Kettleby area. The McMichaels had a lot of friends here; they still do. I'm not standing here today—quite frankly I'm less interested than maybe my colleague from Sarnia is about who is a friend of whom.

I like Bob and Signe McMichael. I think what they did in 1965 was a very powerful and positive benefaction to the enduring benefit of all Ontarians. That's not the point. A deal's a deal. They were compensated. There was some confusion about who was ultimately going to control the gallery. The absolutely surreal part of this, as my friend from Sarnia observed, is that just two or three years ago this government went to the Court of Appeal to get some clarification about who controlled the gallery and the Court of Appeal rendered a judgment. It's as though Bill 112 didn't understand that that issue had been litigated at that level.

I repeat, for 30 years successive legislatures have been pouring money into this gallery. Typically—and I went through the list. In 1996-97, we as a province offered up \$2.7 million on operating and about \$440,000 for capital and special projects, for a total of \$3.1 million. In 1995-96, it was a total of \$3.37 million. It got very generous. Earlier on there are places back here, 1991-92, where the province of Ontario in tough times offered \$2.8 million in operating expenses and about \$3.3 million in capital and related special expenses. That's a lot of money. That's public money that this Legislature voted, all the while to support a public institution that was legislatively and judicially clearly understood to be in the control of the board, and the government at an arm's-length relationship, as Ms Di Cocco rightly observed.

So now this. Again, I sit here and say, "This is the solution for what problem?" The problem, the minister said, and I won't repeat myself, was financial and administrative. All right, I don't doubt that those problems exist. They existed in spades. I won't bore you with the 1984-85 report; I had forgotten just how zany some of this stuff got. I've got some appreciation for the minister's situation. I was mad as hell, personally, at the way I felt the Legislature was treated by some of the arts community. "Well, it was all for a good purpose. Yes, I know that cabinet only said five of the 10, but we really needed 10." That's not the point. One of the most fundamental functions any Parliament has is to exact some responsibility and accountability from government for money spent in the public name. You may not like the decisions, but if the cabinet says it's five million bucks

and not 10, I get ticked off when somebody gives me a bill for 10 and says, "Tough luck." That's what happened.

I look back to the 1984-85 report. I see we spent almost \$11 million, interestingly, for a lot of the same things that I guess need to be upgraded 15 years later. But when I look at this bill—and I ask members to read the bill—it basically says this: The purpose of this act is to return the McMichael collection to the narrow mandate that Bob and Signe McMichael imagined for it in 1965, notwithstanding the 1972 legislation, notwithstanding years of public and private donations to support a broadened mandate, notwithstanding the McMichaels' agreement to that in 1982, notwithstanding the 1997 Court of Appeal judgment. This bill says, in section 1, that notwithstanding all that, we are going to return this public gallery to a narrow mandate imagined for it in 1965.

1740

I think that is wrong and indefensible in light of both the parliamentary and the judicial actions that have intervened. It is immoral in light of the fact that hundreds of people in Ontario and Canada have donated millions of dollars worth of art that in many cases is beyond that narrow scope.

One of the interesting things about the material, looking at the press reports, is that there is a great set of exchanges between Allyn Taylor, formerly of Canada Trust, then chairman of the McMichael board in 1982, and Pierre Berton. There was a—the word that I want to use is unparliamentary. There was quite a slanging match between Mr Taylor and Mr Berton over who did what to whom. One of the things that Taylor makes plain—listen to this. This is from the chairman in 1982. "Each gift is accompanied by a gift agreement in which the conditions accompanying the gift are specified."

I'm not surprised to hear that. Now, 20 and 30 years after a number of these gifts—gifts of Morrisseau, gifts of Riopelle, to name but two—have been granted by citizens, we have legislation that creates a new arts advisory committee that is clearly going to be empowered to divest this collection of much of its non-conforming artwork.

Again my question to the minister is, even if you wanted to do that, how are you going to do that? I want to know, as a member of this Legislature; I want to know it as a citizen. Gifts were accepted. Tax credits were issued on behalf of the people of Ontario. As Mr Taylor said 18 years ago, each gift had its own agreement. Let me tell you, this Legislature and Her Majesty's provincial treasury are major accessories to each one of those agreements.

We have, it seems to me, in this Legislature a fiduciary responsibility to all of those people over the decades who made those donations, accepting that the gallery was going to be as it was legislated to have been.

I repeat that in 1982 Bob and Signe McMichael signed off on the deal. Actually, I remember the day quite well because it caught me a bit by surprise. They had a very,

very fine lawyer in J.J. Robinette. When I look at this—I read it the other day and I thought, "I must be dreaming. Where did this come from?" I really am interested to know. I see today the Minister of Education, the minister responsible for the police. How did this bill get through cabinet? That's what I want to know. How did this bill get through cabinet, because let me tell you—

**Hon Janet Ecker (Minister of Education):** Very carefully.

**Mr Conway:** The Minister of Education says, "Very carefully." Well, it's not going to get through this Legislature very easily. I vowed the last time I was into this that I'd had my day with the McMichael gallery because in some ways it seems to be ill-starred. I think that's sad because the member for Halton, Mr Chudleigh, made a very good point about how many people have in fact benefited from that experience.

But I say again that this bill is revolutionary; it is reactionary. It reaches back 35 years to do what I can tell you many of us who have been around this debate for years never imagined as either possible or certainly desirable. I understand clearly that Bob McMichael particularly felt that whatever it was that he and John Roberts agreed to that day was never fully honoured, and I regret that. I think Bob McMichael will probably go to his grave feeling that the politicians of whatever stripe—Tory, Liberal, NDP—never really understood what was done.

I don't want to be too hard, but the fact of the matter is all of us who have ever given anything know that if you grant a bequest, you make a donation, you have to expect that you are going to lose a very high degree of control. This Legislature has been through it before. We haven't had one lately, but the Firestone collection up in Ottawa was certainly one that was simmering about the same time as the McMichael back in the early 1980s.

But I say again to the House, look at this bill, look at what we do. I ask people to take up the invitation of my friend the member from Sarnia. Look at that court case. That's just two years ago, and it was your colleague, Ms Bassett, a cultural icon if ever this Legislature has known one, and I say that admiringly—

**Hon Mrs Ecker:** I'll tell her you said that.

**Mr Conway:** Listen, I have a lot of regard for Isabel. She knows this business a lot better than I. I can't imagine that she pursued that court case without good intent, and she got a result. She got a very clear result from the Court of Appeal. This bill is so distasteful because it so clearly ignores what the highest court in Ontario told us two years ago.

I ask myself again, why? What is the rationale? If it's about poor administration, replace the board, change the administration. I don't know Mr Braley. Does he still own the Ti-Cats? I think he owned them for a while. I'm sure he's a fine fellow. Change that leadership. But we should not have this bill. Those of you who are lawyers—I can imagine being a Conservative. I'm quite conservative—



**Mr John Gerretsen (Kingston and the Islands):** I can't imagine that.

**Mr Conway:** I can. It's no joking matter. What you are doing here is retroactively changing the terms and conditions of gifts honourably granted. No Legislature should ever be in the business of retroactively making those kinds of changes. I just have the very unhappy sense that the treasury is really going to get whacked here.

**Mr Gilles Bisson (Timmins-James Bay):** Whacked?

**Mr Conway:** Whacked. My friend from Timmins may have a valuable collection that he wants to donate. One of the reasons people do donate often is they get a tax credit.

My colleague from Kingston wants to join this debate. I want to say—and the minister is not here—

**Mrs Elliott:** She is here.

**Mr Conway:** I thank the redoubtable member from centre Wellington.

*Interjection.*

**Mr Conway:** And my favourite ministerial wannabe from Northumberland.

I ask the members to read this bill. I have to say to the House, read this bill. It is much more than the circumstances require.

*Interjection.*

**Mr Conway:** The member for Northumberland seems to be inspired to make—

**Mr Doug Galt (Northumberland):** Why don't you make your comments to the minister?

**The Acting Speaker:** Order.

**Mr Conway:** I look across the way and I don't see the minister.

I simply want to say this is a very, very worrisome bill. It should not have gotten through cabinet. If I have anything to do with it, it will not pass this Legislature. I strongly recommend that the minister do what was done in 1981. I'm not recommending that this happen, but in that case Reuben Baetz was ushered out of his job and Bruce McCaffrey finished it.

In fact, you know, if we have hearings on this bill, if this bill proceeds, one of the witnesses I want is Bruce McCaffrey. I want Bruce brought here from London to give an accounting of his experience in 1982. This is far more draconian, far more sweeping than it needs to be. This Legislature has an obligation in the public interest. If it's about financial accountability, you've got other instruments. Use them. This kind of retroactivity is absolutely repugnant, and this bill should fail on that account, among others.

**Mr Gerretsen:** First of all, let me say it's good to be back here again after three months. I'm sure the people of Ontario must be wondering right now, "With everything that has been going on in this province for the last three months, why are they even talking about this kind of a bill?" Wouldn't it make a heck of a lot more sense to talk about some of the problems that everybody faces out there—problems relating to health care, where we hear that people now have to wait for seven months in order to get cancer treatment; or the problems relating to the

water situation, not only in Walkerton but elsewhere; or the problems relating to education, where I've got in my office about a thousand letters from students at Regiopolis/Notre-Dame in Kingston asking the Minister of Education to take responsibility for what's happening in the educational system right now and to bring the government and the teachers and the students and the parents back together so that they can go on with educating our children in this province—rather than the kind of Mexican standoff that we currently have?

**1750**

In the six minutes that I've got left, and since we are dealing with this bill, which according to the government is the most important problem this province is facing right now, let's just deal specifically with some of the items that my colleagues mentioned earlier.

In section 1 of the bill, it states that the art collection shall focus "on those artists known as the Group of Seven and their contemporaries." That's the purpose of the bill. It further goes on to say in paragraph 5 that, "It is appropriate to return the collection to, and then maintain it in, the spirit of its original focus." There's no doubt about it.

Let's look at the advisory committee that will be set up, which is contained in section 8. It states that, "The board shall ensure that the collection reflects the cultural heritage of Canada and is comprised of art works and objects and related documentary material created by or about," and then it lists the Group of Seven. It does go on to say, "other artists who have been designated by the art advisory committee ... to the development of Canadian art," but its main focus is the Group of Seven.

Then when we look at this advisory committee, where do these five individuals come from? There are the two McMichaels, and I'm sure they are great people. I've never met them. They made a great contribution to this province. But two out of those five people are going to be the McMichaels, plus the chair and the vice-chair, who are appointed by the Premier of this province. So we know who controls this advisory committee. We know who's going to make all the artistic decisions with respect to the collection that's currently there.

We know the purpose of the bill is to basically place emphasis again on the Group of Seven. So I ask myself on behalf of Ontarians and on behalf of the other 327 individual donors and 15 organizational donors who have contributed upwards of \$13.5 million worth of art to this collection, what's going to happen to that part of the collection? What are you going to do with it? These people have donated these works of art that do not fit into the categories that I have described, that the bill specifically deals with, or that this art collection is now specifically going to deal with. What are you, Minister, going to do with the donations of these other 327 individual donors? You don't know.

**Hon Mrs Johns:** Yes, I do.

**Mr Gerretsen:** Then tell us what you're going to do. Are they going to have the authority to sell off this art, which would be directly contrary and counter—

**Hon Mrs Johns:** That is wrong.

**Mr Gerretsen:** If that is wrong, Minister, why have you brought before this Legislature—the minister, together with the Minister of Education, states that I am totally wrong. If I am totally wrong, then I would like to know why you have limited the powers under this act of the McMichael collection and the advisory committee as much as you have. Give me one good reason why you have given the two McMichaels such extraordinary powers, why you've given the Premier, through cabinet, such extraordinary power to in effect name the chair and the vice-chair of this particular organization. There is absolutely no reason.

You could have, under the best of circumstances, allowed 23 trustees to in effect be nominated and let them choose their own chair and vice-chair. But you want to be in complete control as to what happens to the collection and as to what happens at the gallery. Otherwise, there's absolutely no reason for you to come forward with a bill that is as limiting as this particular bill is.

The minister can say all she wants; she can say that the gallery is running at a deficit. If it is running at a deficit—and we all know it's very difficult to run anything along a cultural aspect in this province at a profit, first of all. We all know that. Any artistic organization, whether it's in this form of art or any other form, knows that it's difficult to run a gallery at a profit. If there is purely a financial problem, then do something about it from an administrative viewpoint. That's the way to handle it, but not in effect to give control back to individuals who were

thanked by the province for the gift they made some 30 years ago. I won't even get into all the minutiae of what they were paid and other considerations by way of a house and everything else that was provided for them during the last 30 years.

The point quite simply is this: there is absolutely no reason for the government to bring in a bill that is as limiting in scope as this without considering the other donations that have been made to this gallery. Those people made the donations on the understanding that their artistic material would be displayed and would be dealt with by the gallery as an integral part of that gallery. That will have been totally lost once this bill comes into being.

Rather than having the minister shout across the aisle that what we're saying about this bill is not correct, let her get up and let her tell this House and tell the people of Ontario how the other donations that have been made to this gallery over the last 30 years are going to be dealt with. Those individuals' trust in the province of Ontario in making the artistic donations they have made has been totally violated by this government and by this minister in bringing in this kind of bill. It's not too late yet. Tell us how the other 327 individual donors and their donations are going to be dealt with. That, Minister, you haven't done to date.

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 1757.*

## ERRATUM

No.	Page	Column	Line(s)	Should read:
70A	3635	2	25	Casucci-Byrne.



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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

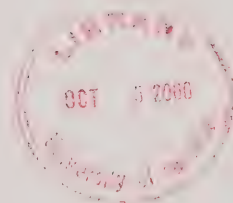
Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 26 September 2000

Mardi 26 septembre 2000



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 26 September 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 26 septembre 2000

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### GOVERNMENT

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I want to begin by saying what a privilege it is, after 215 days, to be here in this place and able to speak for the people of Ancaster-Dundas-Flamborough-Aldershot, the riding with the longest name, because its citizens have such big hearts and dreams.

I am pleased to join the many veterans in this place whose callused hands and feet lend evidence to our common goal of working together to build strong, just and healthy communities.

I want to quickly share some important lessons from the recent by-election, things that need to be said and—dare I say it?—heard.

First, people have lost trust in government in general, and in this government in particular. The people I represent today want to see government done differently. They want government that can point direction, not fingers. They want government that will drop the need for no-fault insurance, which the people of this province pay a heavy premium for. They want government that will tell them the truth on municipal restructuring, education, health care and the environment. Finally, they want to see a government that can work together and develop new approaches, approaches like those suggested by my good friend and colleague Brad Clark across the way, that will allow us to work together to achieve the common good.

In this regard, I pledge, as I'm sure Brad does, to do everything I can to walk, talk and work with your government when I can, and to stand strong against this government when I must.

#### GRAND RIVER CONSERVATION AUTHORITY

**Mrs Brenda Elliott (Guelph-Wellington):** I rise today to congratulate some Ontarians who, while in Australia, have shown themselves to be among the best in the world. I'm not talking about wins in the Olympics, but at the Theiss Environmental Services Riverprize competition.

I am proud to inform the House that this year's Riverprize was awarded to our own Grand River Conservation Authority. The GRCA's chair, Peter Krause, and CEO, Paul Emerson, travelled to Brisbane, Australia, to receive the prize, along with \$100,000, on behalf of the authority earlier this year.

The Riverprize rewards international excellence and innovation in river management. It recognizes the expertise and hard work the authority has put into the management of the Grand River and its tributaries. But more than that, it recognizes that right in Ontario are being developed some of the best and most innovative river management techniques in the world. GRCA is now acknowledged as a world leader in watershed initiatives. This brings a great deal of international prestige to the GRCA, and there are other spinoffs including invitations about the possibility of doing consulting work around the world.

I would ask all members to join with me in congratulating the Grand River Conservation Authority for its wonderful accomplishments and for its wonderful work for our environment here in Ontario and in wishing them further successes in the years to come.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr Michael Gravelle (Thunder Bay-Superior North):** With the return of the Legislature after a long summer break, there are certainly many issues I look forward to addressing during this fall session, all of which will have a large impact on my constituents. However, as this is my first opportunity, I feel compelled to begin by reminding the Premier and the Minister of Health that the unfairness and inadequacy of the northern health travel grant program continues to be the number one issue for the constituents of Thunder Bay-Superior North.

Every day I hear more stories about the inadequacy of the program and how unfairly it is administered. For the past year, all my northern colleagues have been part of a campaign to get this government to acknowledge the discriminatory nature of this program.

Minister, last May you finally announced there would be a full review of this program. You also made it clear that the results of this review would be made public. In addition, you said the review would be completed by the end of the summer. Mr Speaker, the leaves are changing colour.

Minister, your government is keen on talking about promises made and promises kept, and indeed we are



desperate for you to come through on this promise. You recently signed a health care agreement with the federal government which will add billions of dollars to your health care budget. Surely you can use some of that to return fairness to northerners who have been forced to spend thousands of dollars of their own money to access care for themselves or their loved ones.

This is an issue that has defined the frustration people in my part of the province feel about this government. It is about nothing less than fairness, Minister, and I can promise you that I and all my colleagues will not rest until this fairness is restored.

### CHIPPEWA SESQUICENTENNIAL

**Mr Bart Maves (Niagara Falls):** On Saturday, September 9, I had the wonderful opportunity and the great pleasure to participate in the Chippewa sesquicentennial parade and fall fair. This year, in celebration of Chippewa's 150th year, the village of Chippewa citizens' committee organized a fun-filled day for everyone, with antique cars, live music and historic displays.

Many organizations from the Niagara region participated with their floats in the parade. Travelling in style, the parade's king and queen were carried by a horse-drawn carriage. Thousands of people attended, and the event was a great success. I would like to offer my congratulations to Bill Manley, Don Ede and the village of Chippewa citizens' committee on a job extremely well done.

The village of Chippewa is truly a unique and wonderful community. I proudly bought a sesquicentennial T-shirt that day, but decorum in the House doesn't permit me to wear it as I make this speech or I would. Chippewa is a beautiful community with a beautiful waterfront sporting a new dock, and it's going to grow in the future. The community is best known for its wonderful people, who are very prideful of the community's past and, I know, look forward to its future.

Congratulations to the citizens of Chippewa on their sesquicentennial.

### SCHOOL EXTRACURRICULAR ACTIVITIES

**Mr Gerard Kennedy (Parkdale-High Park):** It is with some regret that I rise in the House to advise members that right now in Whitby, the parents of students in that area are occupying the school board offices as part of the turmoil this government visited upon the education system. It started there, it started in Durham, where for four years this government, its members, its minister who represents the area, its member on the cabinet committee for education who also represents the area, decided in their wisdom to inflict the staffing formula, the arrangements of Durham, on the whole province.

So right now there are police at the school board offices. Yesterday there were protests by students, but the

Durham disease has been exported deliberately by the government around the province. So what we see now is student protests in places like London, Stratford, Hamilton, Durham, Renfrew, Kingston and Kitchener-Waterloo. The students are unhappy because of the chaos this government has brought them.

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The voice this government will not listen to is the voice of students. As Jenny Pincombe in St Thomas says, "They're missing out on their scholarships, they're missing out on their quality education, they're missing out on their help room." They're not getting that because this government gave extra workload to teachers because they wouldn't put the value on children. Right now, today, we need to remember that that's where the tracks come back to, to this government. The only time the members of this government are willing to put kids first is where it matters to them—in their advertising—and that's it.

### CANCER CARE

**Ms Shelley Martel (Nickel Belt):** The Harris government must end its discrimination against northern cancer patients. For almost 18 months now the Conservatives have paid 100% of the costs of southern Ontario cancer patients to access care in Buffalo, Detroit, Kingston, Sudbury and Thunder Bay; 100% of the cost of travel, accommodation, food and taxi fare. In contrast, northern cancer patients, who regularly travel far from home to access cancer care in Thunder Bay or Sudbury or Toronto and Ottawa, get only a small portion of their costs covered, 30 cents per kilometre one way, from home to the cancer treatment centre. There is nothing fair or reasonable about this second-class treatment of northern cancer patients.

In May the Minister of Health announced that she would review this inequity. Four months later, the government has still not released its findings on this important issue. I suspect that's because the review clearly shows the discrimination exists.

Last week I had to file a freedom-of-information request in the hope of finally getting this information made public. The Minister of Health has tried to say the funding is temporary, that it will end when the waiting list for cancer treatment for southern Ontario patients ends. But this program has already gone on 18 months now and it will go on a lot longer in the face of the seven-month waiting list for breast cancer treatment which has recently been confirmed.

No more delays, no more discrimination. Treat northern cancer patients like southern referral patients. Do it now.

### INTERNATIONAL PLOWING MATCH

**Mr Brian Coburn (Ottawa-Orléans):** It's my pleasure to rise today to extend congratulations to my colleague from Waterloo-Wellington, Mr Ted Arnott, as

well as to the organizing committee led by Mr George Robinson and the hundreds of dedicated volunteers at this year's international plowing match in Elora. Last week's event proved to be an outstanding success, one of which the beautiful county of Wellington can be proud.

Plowing matches have been an integral part of Ontario's agricultural heritage. In fact, history shows that in 1846 the first provincial agricultural exhibition was held in the city of Toronto. Part of this event was the plowing match, which took place on a farm in the vicinity of Yonge and St Clair streets. It was an opportunity for farmers to show their skills at handling walking plows as well as showing their teams of horses. Over the years, the match has evolved into one of the finest agricultural showcases in North America.

This match is an opportunity for the agricultural community to come together to share new ideas, new technologies and best practices. All in all, it is a very worthwhile as well as an exciting annual event in a different part of Ontario each year. Next year, the 2001 plowing match will be held in the city of Cumberland, where I was mayor prior to being elected as an MPP. The chair of the 2001 plowing match, Mr Sam Dagg, along with up to 2,000 volunteers, has been working tirelessly to ensure that this match will be the best yet and is anticipating attendance of over 250,000 people at the first fully bilingual match sponsored by the Ontario Plowmen's Association.

It is with great pride, on behalf of my colleagues in the Ottawa area, that I extend an invitation to all members of this House to our community in the new city of Ottawa for next year's International Plowing Match, September 18 to 22.

## VIOLENCE AGAINST WOMEN

**Mrs Marie Bountrogianni (Hamilton Mountain):** I rise in the House today to speak about an event which took place here at Queen's Park on Wednesday, September 20. Representatives on behalf of 81 women's groups from across the province held a press conference and meeting to ask for our united support for emergency measures to end violence against women in the province of Ontario. My leader, Dalton McGuinty, signed that commitment on behalf of the Liberal Party, but the Mike Harris Tories were unwilling to do so.

As Liberals, we believe that women have the right to safety and security of person, that children should grow up free from fear. We believe that an investment in emergency help lines and shelters will be a small step toward creating a better situation for women who suffer from domestic abuse.

There is a crisis in Ontario. It's a crisis that women and children across the province feel equally. Women are killed by their partners and former partners at alarming rates, and you are unwilling to stand up and commit to action to end violence against women.

I received a heart-wrenching letter from a resident in the Ottawa area. She says, "It doesn't matter to me where

you live or how much money you have, I want to know if you can get up after a night of grief and despair, weary and bruised to the bone and do what needs to be done for your family."

Violence against women affects all of us, and it scars our children for life. The law-and-order focus of the Tories does nothing to address the fundamental issues of inequality, lack of power, and the cycle of violence which traps women in these situations. Seventy-five per cent of victims still do not report their abuse to the police. Forty women were killed last year, Premier. Doesn't this figure make your blood run cold? When are you going to do something about it?

## ADELMO MELECCI

**Mrs Tina R. Molinari (Thornhill):** It is an honour for me to rise today to talk about a very gifted musician by the name of Adelmo Melecci, who is a constituent in my riding of Thornhill.

Adelmo Melecci was born in 1899 in an Italian village just north of Venice. At the age of 12, he emigrated to the United States, where his serious music studies began. One of Adelmo's teachers at the New York School of Music urged the young musician-composer to move to a smaller community; that community was Toronto. Mr Melecci embarked on a lifelong association with the Royal Conservatory of Music, first as a student, then as a teacher, composer, examiner and musicologist.

Adelmo has had more than 100 pieces of music published world-wide, but it was "Hello, Bonjour," Walt Disney saluting the Canadian centennial, that gained him considerable notoriety. Recently he wrote "Meet Me at the Fountain," which was chosen as the theme song by the Canadian National Exhibition. He is now working on the music for a play, "Life's Highway," to be produced in the near future.

Adelmo Melecci also has three music scholarships in his name. At the age of 101, Mr Melecci was recently made a member of our Three Century Club and is one of our most valued treasures. On behalf of the people of Thornhill, I would like to congratulate and recognize Adelmo Melecci, who, with his family, is in the members' east gallery today. He is truly an inspiration to all of us.

## MOTIONS

### FORMAT OF PRINTED BILLS

**Hon Frank Klees (Minister without Portfolio):** I believe we have unanimous consent for a motion related to the format of bills in the House.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mr Klees:** I move that, effective September 25, 2000, the format for printed bills of this assembly be



revised from the four-column, side-by-side bilingual format with marginal notes to the two-column, side-by-side bilingual format with paragraph notes.

**The Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

### VISITORS

**The Speaker (Hon Gary Carr):** Just before we get into question period, I'm pleased to inform the members of the Legislative Assembly that we have with us in the Speaker's gallery a parliamentary delegation from the Punjab in India. Please join me in welcoming our special guests.

**Mr Howard Hampton (Kenora-Rainy River):** On a point of order, Mr Speaker: Yesterday, I tabled a motion on the extremely urgent matter of stopping the Adams mine landfill project. I seek unanimous consent of this House to debate this motion today.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

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### ORAL QUESTIONS

#### WALKERTON TRAGEDY

**Mr Dalton McGuinty (Leader of the Opposition):** My first question today is for the Premier. I believe that returning safe drinking water to the people of Walkerton has got to be your government's number one priority. Yesterday, your environment minister shocked families in Walkerton when he said they will not be receiving safe drinking water for at least another six weeks. They've been without drinking water during much of May; they've done without it during June; they've done without it during July and August when it was hot and the kids couldn't go under the sprinkler. They sure as heck couldn't go into a local wading pool. They are doing without it now. The kids are back in school, when they need baths every night, and they've got to resort to sponge baths. Apparently, they're not going to have the water back on now until November, and possibly even December.

Premier, why are you continuing to fail Walkerton families?

**Hon Michael D. Harris (Premier):** I appreciate the question and I want to say that for the first time in quite some time he and I agree unequivocally: returning safe drinking water to the people of Walkerton is this government's number one priority. The keyword is "safe." When the medical officer of health is satisfied that all of the resources and all of the engineers and all the

scientists and all the experts have 100% solved the problem and we can guarantee safe drinking water, then water will be restored—again, the key, operative word being "safe."

**Mr McGuinty:** Premier, you tell us that this is a priority for you and your government, but the facts speak otherwise. In the four months since six people were killed and 2,000 became seriously ill, you have spent \$6 million in a failed effort to clean up the water in Walkerton. But during the exact same period, you spent \$12 million on partisan political advertising: \$6 million to clean up the water; \$12 million to clean up your image. I would call that a very interesting study in contrasts and very telling when it comes to where your priorities lie today in Ontario. So let's be frank, Premier. Why don't you admit it? You are more interested in your political survival than you are in returning safe drinking water to the people of Walkerton.

**Hon Mr Harris:** Maybe I could respond to both expenditures. Any independent examination of the records of the amount of money we have spent notifying the public of government programs over my five-year record as Premier, when you account for inflation, is less money than the Liberal government spent and less money than the NDP government spent informing the public of the programs that we have.

*Interjections.*

**The Speaker (Hon Gary Carr):** Will the Premier take his seat. Order.

Sorry for the interruption. Premier.

**Hon Mr Harris:** Those are the facts when it comes to the amount of money that is spent on advertising—far less by our government.

The second fact is that we have allocated to Walkerton—

*Interjection.*

**Hon Mr Harris:** If the member for Windsor—wherever would like to listen, I'd be happy to explain. If she has the answer, go ahead.

**Mrs Sandra Pupatello (Windsor West):** On a point of order, Speaker: I'd be more than pleased to take your seat and any seat on that side of the House—

**The Speaker:** That's not a point of order. Would the member take her seat.

Final supplementary.

**Hon Mr Harris:** Mr Speaker, with respect, I was trying to answer.

**The Speaker:** Order. I think the Premier had finished. Final supplementary.

**Mr McGuinty:** The facts speak loudly here, Premier, and the fact is that you have decided it is acceptable for a family in Walkerton to wait from May until November, and possibly now until Christmas, until the taps are turned back on. Those are the facts.

Remember, you had a choice. You decided to spend \$6 million on investing in repairs in the water system and \$12 million in investing in the rehabilitation of your image. You had a choice, and that's the choice you made. Instead of concentrating on turning the water back on,

you decided to flood the province with self-serving advertising.

Now you tell us, and more importantly, you tell the families of Walkerton who are watching and waiting on your every word right now: how can you justify spending \$2 on partisan political advertising for every \$1 you've invested in the restoration of their daily lives?

**Hon Mr Harris:** I appreciate the opportunity. Since the members opposite don't want to listen, I will talk directly to the people of Walkerton. We spend less money on advertising than previous governments. We spend less money per capita; we spend less money of theirs.

Now, I can tell the people of Walkerton, we spent several billions on health care over the last four months. We spent \$1 billion on education. On Walkerton—Operation Clean Water—we are now up to \$12 million, and specifically on Walkerton we are spending, and will spend, every nickel requested by the experts who are going to ensure—

*Interjections.*

**The Speaker:** Premier, take his seat. I say to all members, we're not going to continue with this. There are numerous members, particularly on the Liberal benches, who are yelling. I say to all members—this is a warning to the entire bench—if it continues like this, I will pick members out and I will name them and they will be asked to leave for the day. We are not going to continue. Usually it's one or two; in this case it's eight or nine who are shouting across. That isn't going to happen. I will pick out people and I will name them and they will be removed.

The entire Liberal side is warned. In cases like this, I might not get the right person, but the entire side is warned. We're not going to continue the rest of the afternoon with that. If it continues, you'll be asked to leave. We'll continue without you being here.

Sorry for the interruption, Premier.

**Hon Mr Harris:** Since the Liberals don't want to listen and I was asked to speak directly to the people of Walkerton, let me assure the people of Walkerton that every nickel that has been requested has been made available. There is unlimited money to restore safe water to the people of Walkerton.

## GOVERNMENT ADVERTISING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Premier as well. If you honestly believe that the hard-working people of our province aren't outraged by your orgy of taxpayer dollars being spent on partisan political advertising, then you are much more out of touch than I thought was possible.

Let's put this into some real perspective here. In the last three years the Mike Harris government has spent \$185 million on partisan political advertising. That happens to be \$27 million more than this government is going to spend this year on the entire Ministry of the Environment budget. If that isn't a profoundly screwed-up sense of priorities, then I don't know what is.

Premier, how much longer are you going to put your political interests ahead of the public interests, especially when it comes to clean water and clean air?

**Hon Michael D. Harris (Premier):** Let me correct the record and say that the Liberals and the NDP spent more on government advertising over the five years than we have. Let me also put on the record that we have not spent, nor will we spend, one cent of government money on partisan political advertising.

Like all governments, we do bear an obligation to communicate with the taxpayers and be accountable for the reforms that we introduce. Since 1995 we've brought in many fundamental reforms which we have an obligation to explain to the citizens of this province.

*Interjections.*

**Hon Mr Harris:** Since the Liberals don't want to listen, I will talk directly to the people of the province. Our public information initiatives are an attempt to respond to our accountability to the public. That's why many of our communications include response cards to help foster a dialogue between government and the taxpayers.

So I repeat: not one cent, now or in the future, of partisan political advertising.

1400

**Hon Janet Ecker (Minister of Education):** On a point of order, Mr Speaker: I sit right behind the Premier and cannot hear his answers, and I would like some assistance on that.

**The Speaker (Hon Gary Carr):** Stop the clock. I said yesterday that I'm not going to entertain points of order during question period. I'm going to cut them off very quickly. It's sometimes a difficult task controlling, as it is in other situations. We will attempt to do that. I appreciate that the Minister of Education can't hear, but the Speaker will deal with it. I appreciate her input.

Start the clock. Supplementary?

**Mr McGuinty:** I always knew that the Premier had a good sense of humour, but he fully confirmed that today.

Here's an example of a bit of advertising, valued at \$2 million, I understand, that you sent to Ontario doors. Inside the front cover is a picture of you, Premier. Not a bad shot—you're smiling and looking relaxed, unlike the way we've seen you in this House in recent days.

There's a way we can deal with this in a responsible manner and I put that way on the table. I've introduced a bill. The bill would ban partisan political advertising. It would prevent all governments of all political stripes from ever again doing what you are doing at present and, in fairness, what some governments of other political stripes have done in the past.

It was wrong in the past; it's wrong today. We now have it within our means to bring this to an end. I want to stop it. Why don't you join me and support my bill?

**Hon Mr Harris:** I would agree with the member that a bill like that would be necessary if the Liberals were in office.

*Interjections.*



**The Speaker:** Would the Premier take his seat. Order. Sorry, Premier.

**Hon Mr Harris:** If the House wishes to hear, I'll repeat what I told the people back home: I would agree with the member that were the Liberals in office such a bill would be necessary. I'm happy to comment on the piece he refers to. It cost 0.04% of the operating budget of the Ministry of Education.

We think it's very important. If you look at the education sector, it's a good example. We've put in place a challenging new curriculum backed up by standardized testing for our students and new, easy-to-understand report cards. We've introduced many other initiatives. We're hearing from parents. They're interested in the new curriculum, they're interested in what's happening in their schools. Like all governments and public bodies, we feel it's important that we inform them of changes that are taking place. So the example the member uses is exactly the kind of thing government should be doing, not the blatant partisan advertising that is the legacy of your party and government.

**Mr McGuinty:** You're not informing the Ontario public; you're trying to spin the Ontario public and they want nothing to do with it. One hundred and eighty-five million dollars is a heck of a lot of money. We could have hired inspectors that you fired from the Ministry of the Environment. We could hire special education assistants to help our children in Ontario growing up with special learning needs. We could put back some of the hospital beds you so recklessly cut and which we so desperately need. Those are good uses for that \$185 million.

Premier, I've been talking to people across the province about this bill, and there is nothing more powerful than an idea whose time has come. It's time to stop partisan political advertising in Ontario. We can do it. Why don't you join me?

**Hon Mr Harris:** I appreciate the opportunity to respond to the question from the leader of the Liberal Party. Let me repeat to the public that we already ensure that our advertising is not political or partisan. It informs the public. It's sort of like the balanced budget legislation: we felt it was important to pass, not because we would ever violate the balanced budget provisions, but the record of the Liberals and NDP in opposition is such as that.

It has certainly been stopped. Let me say that a lot of our advertising is also an investment. We spent a modest few million dollars on health care ads over the share of health care funding from Ottawa. That few million dollars got us over \$4 billion in funding. Let me tell you, every Premier across the country will acknowledge that without Ontario's lead, we'd have got not a nickel from the Liberals in Ottawa.

**The Speaker:** New question.

#### ENVIRONMENTAL PROTECTION

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Stop the clock.

Sorry for the interruption. The leader of the third party.

**Mr Hampton:** Premier, the question today is about your willingness to gamble with our environment and with our health just to provide tax cuts for the very wealthy. This is a report from the Ontario Centre for Sustainability, dated September of this year. It says that you've created a crisis in our province, a crisis of dirty air and poisoned water. The centre discovered, when it reviewed the ministries of your government, more than 60 separate items in 13 ministries where you'd failed to protect the environment—across your government.

Premier, have you learned nothing from Walkerton? Why do you continue to gamble with the environment and the health of Ontario citizens?

**Hon Michael D. Harris (Premier):** I am sure there are some specifics that will follow in the supplementaries, but let me, in general terms, point out the total inaccuracy of the member's statements.

For example, the preamble supposes that higher income earners in Ontario now pay less tax than they did before. The records from the Ministry of Finance clearly show that the top 1% of earners pay more and a higher percentage of income tax than they did under the NDP. The top 10% of earners in Ontario now pay more and a higher percentage of income tax than they did under the NDP.

So with all our tax cuts and all the jobs and all the economic activity and all the investment and all the new revenue we've brought in, the facts of the matter are that higher income earners are now paying more in both real dollars and in percentage terms than they did under the socialists, who seem to think that they are the only advocates for lower-income and middle-income Ontarians. The exact opposite is true.

**Mr Hampton:** I think the Premier has just proved my case. The Premier is becoming the Neville Chamberlain of environmental protection. You spend so much time trying to justify tax cuts for the wealthy and trying to appease people on where those tax cuts and the money to finance those tax cuts are coming from that you don't have the time to protect the environment.

This report goes through ministry after ministry. It points out the Adams mine disaster that awaits us. It points out your failure to protect the Oak Ridges moraine. It points out why Walkerton happened: that you laid off so many people in the Ministry of the Environment you can't possibly do the job of protecting our water any more. It goes on to the continuing problem of greenhouse gases and dirty air in the province that your government is doing nothing to fix.

Premier, why do you continue to ignore the environment and the health of Ontario citizens when report after report shows how much damage it's doing?

**Hon Mr Harris:** The Minister of the Environment could outline a litany of things we've done to dramat-

ically improve protection of the environment over the NDP in water, in air and in land. That is an undisputed fact. You can have all the rhetoric you want. You can try and state in question period—you can say things; you can even make them up if you want. But the facts are indisputable, that we are doing more than your government did in protection of the environment, in tougher standards in all these areas.

Since you rhymed off a whole bunch of things, let me talk about the Adams mine. The answer you had, as I understand it, for Toronto's garbage, that you put forward—you condemned the Liberals when they said they would abandon the EA process and they'd dump it in Whitevale. That was their solution. You campaigned against that, and then when you got elected, what did you come up with for Toronto's garbage? Whitevale. Right beside the Rouge Valley, an unwilling host. Is that still your position for Toronto's garbage? That's the question.

**The Speaker:** Final supplementary.

1410

**Ms Marilyn Churley (Toronto-Danforth):** Premier, stop being so silly. Nobody believes you for a moment when you stand up and say that you are actually protecting the environment. This is not rhetoric; this is yet again another report outlining the stress that your government is putting on our health and on our environment. I ask you, when are you going to stand up for our health instead of your friends' wealth?

This report discovered more than 100 items where environmental values were ignored or where government action could lead to significant harm to the environment. The cabinet submission, the leaked one which the NDP released, said that less than 10% of the pollutions that threaten health and the environment are actually being inspected.

Premier, all you've done is appoint a consultant to babysit your Minister of the Environment and put together a half-baked SWAT team. I ask you, when will you stop risking the lives of Ontarians?

**Hon Mr Harris:** I appreciate the fact that this member has taken one of the supplementaries, because we go right to the core. Not only are we setting new, tougher standards, not only are we bringing in new regulations in both air and water, not only are we out there protecting values, not only have we brought forward more parkland than your government, but let's get to the core of what seems to be the reason for your question, and that is Toronto's garbage.

Your solution to Toronto's garbage, after condemning the Liberals for exempting from an EA the Whitevale site in Durham, was to put Toronto's garbage, under the IWA, in the Oak Ridges moraine right beside the Rouge River. That was your position in government. I am asking you now, is this still your position, as opposed to the Adams mine that went through a full environmental assessment? Is that your position?

**The Speaker:** New question.

## EDUCATION LEGISLATION

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the honourable Minister of Education. You have created a climate of confrontation in our education system. Today, parents at Henry Street High School in Durham are angry. When they arrived at the school to voice their anger, the doors were barred and the police were called. These parents want 200 students who were suspended for protesting the lack of extracurricular activities readmitted to school.

You have caused the problem with Bill 74. You are now asking the board of education to take responsibility and fix the problem. When are you going to fix this mess that you have started so that the escalation of confrontation doesn't spread to the rest of Ontario?

**Hon Janet Ecker (Minister of Education):** I'm a little surprised that the honourable member, coming from the caucus that he comes from who frequently profess to speak for organized labour, would now be asking the Minister of Education to intervene in the negotiations that are currently taking place between the union and the public school boards. We have certainly seen across the province that locally negotiated solutions are the best solutions. We certainly recognize that in communities where this is not possible, the government and the school board will take appropriate steps.

I'd like to say to the honourable member that today as we speak, and he obviously doesn't recognize this, in literally thousands of schools across this province, thousands of teachers are putting the students first by going out there and not only doing what is required in classrooms, but are also out there doing what is required outside of classrooms: giving students extra help, doing extracurricular activities. Literally thousand of teachers are choosing to do that, and I think that is something the students and the parents very much respect.

**The Speaker (Hon Gary Carr):** Supplementary?

**Mr Howard Hampton (Kenora-Rainy River):** Yesterday, I gave the Minister of Education the opportunity to tell the parents, students and teachers of Ontario what her strategy was, what her plan was to resolve some of the difficulties out there. She declined, this minister who claims to know everything about education. Now we find out that the confrontation is developing across the province. Yesterday, in my own part of the province, students in communities like Ignace, Atikokan and Rainy River walked out in protest.

You are the Minister of Education. You forced Bill 74 through this House so you could make all the decisions. What's your strategy, Minister? What's your plan to resolve the kind of confrontation and conflict that you and you alone have created?

**Hon Mrs Ecker:** This government has been very clear, before both the 1995 election and the 1999 election, that the quality reforms that were required in education were going to require higher standards in a whole range of areas from curriculum to financial to report cards. A number of standards we said we would



set—a workload standard, an instructional time standard for teachers—we set two years ago. This is an old issue. We set it two years ago. We invested more money this fall to help school boards come to fair agreements with the teachers. We set that standard based on what other teachers across the province are doing.

I understand why some of those students are extremely frustrated. Those extracurricular activities are something that is part of their educational experience. There are thousands of teachers today who are choosing to provide those services for those students because they know it's important for those students. When those students see other teachers who are not choosing to do that, of course they're frustrated, and that's why we are continuing to work with the school boards to try to resolve—

**The Speaker:** I'm afraid the minister's time is up.

### WASTE DISPOSAL

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. We in our party believe that water is a very precious resource, and we feel we should all share a very heavy responsibility when it comes to protecting it. That brings me to the Adams mine.

So that Ontarians understand what we are talking about here, we're talking about an open-pit mine that is the size of 50 football fields. It is 55 stories deep. It is apparently going to hold more than 20 million tonnes of garbage. And of this there is simply no dispute: there are cracks in the bottom of this open-pit mine. The only thing that is going to stop the toxic liquid that is produced by garbage is an untried, untested pumping system that must run without fail for 100 years.

Given all that information, Premier, why are you insisting on continuing to gamble with the health and even the lives of Ontarians when it comes to protecting our water?

**Hon Michael D. Harris (Premier):** Nothing could be further from the truth. We in fact are a party that insisted, when finding a solution to Toronto's garbage, that any site be a willing host. Kirkland Lake had a referendum. They've had a significant number of votes over the last 11 years indicating a willing host, something the Liberals didn't adhere to when they tried to solve the problem in 1989. The second thing is that we subjected it to a full environmental assessment.

Here's the Liberal record. In 1990, Jim Bradley signed the order to exempt the Whitevale site in the Oak Ridges moraine from a full environmental assessment. The Liberal solution to Toronto's garbage was, "Don't worry." David Peterson said, "We will exempt the site, we'll fast-track it, no full EA required." Durham came forward and chose the site—unwilling host, I might add, from the residents—and the Liberals exempted the site. Maybe that's one of the reasons you lost the election and the NDP came in with their failed strategy for the garbage. That's the Liberal record.

Our record is full environment assessment and—

**The Speaker (Hon Gary Carr):** Order. The Premier's time is up. Supplementary.

1420

**Mr David Ramsay (Timiskaming-Cochrane):** Premier, you know the Adams mine environmental assessment was a fraud. The fix was in from the very beginning when you took over government here, because you appointed the dump's lawyer, Robert Power, to your policy advisory committee to rewrite the Environmental Assessment Act. This gave you and the proponent the power to push this through in 15 days and deny intervenor funding to the critics. It was a hearing of high-priced experts versus a group of dedicated local citizens trying to protect their community.

This EA was bought and paid for. This deal stinks more than the 20 million tonnes of garbage ever will, and your fingerprints are all over this thing. When are you going to give us a full environmental assessment hearing on the Adams mine?

**Hon Mr Harris:** Contrary to what the member says, I think the record demonstrates very clearly—very clearly—that over the last 11 years there have been more studies, more referendums and more willing-host declarations by those close to the Adams mine, and there have been more assessments and a full environmental assessment.

The Liberal answer, as I pointed out, was to exempt the Oak Ridges moraine Whitevale site near the Rouge River from a full environmental assessment. That's your record.

Back in 1989, though, there was one member of the Liberal Party who was in favour of the Adams mine, and I quote now from John Barber, November 7, 1996. This is from 1989, the Liberals in power. It was David Ramsay who first brought Gordon McGuinty to Metro to promote the dump in 1989. "Without his encouragement, we never would have pursued it," Metro councillor Paul Christie said."

**The Speaker:** The member for Northumberland.

*Interjections.*

**The Speaker:** It is quiet enough to ask it now. There's not going to be total silence in here. The member has the floor. It's not going to be total silence for the question. There is going to be some heckling, and if you stand there we'll start the clock. I was perfectly willing to go under those circumstances.

### HEALTH CARE

**Mr Doug Galt (Northumberland):** My apologies, Mr Speaker. I was unable to hear you recognize me.

My question is directed to the Minister of Health and Long-Term Care. I talked about this pamphlet yesterday that was distributed at an agricultural event, which turned out to be a political event as it was put under the wiper on my windshield—I'm only trying to help the Leader of the Opposition. Minister, the pamphlet clearly states that a Dalton McGuinty government will hire more nurses.

Minister, this is pretty wishy-washy—no specific numbers, just going to hire more. The last time I checked, it was our government's ongoing plan to invest in nursing services and to increase patient access to these services. Can you please inform this House of the action the Harris government has already taken to increase and improve nursing services?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** As the member has rightly indicated, we did set up a nursing task force. We heard the concerns of nurses, recommendations were made in 1998, and we have responded to every one of the recommendations.

The key recommendation was that we invest approximately \$375 million. I want you to know that we have already hired over 6,000 nurses. We have hired a chief nursing officer for the province of Ontario, and we have indicated that each hospital is also to hire its own chief nursing officer.

We also now have nurse practitioners in the province. We're working with the Registered Nurses' Association in Ontario. They've been given a half million dollars to further recruit nurses to this province.

**Mr Galt:** Thank you very much for that excellent response. I hope the Leader of the Opposition was listening, because I expect that this was McGuinty-approved, and maybe in the future they can get a little more accuracy in it. It's clearly obvious that the Leader of the Opposition is flapping away with his wooden wings attempting to fly, but they just don't get it.

There is one concern I want to touch on, and I know that many in rural Ontario share this. Minister, can you please provide me with up-to-date information on what you are doing in the area of physician recruitment. As many in my riding are without a family doctor, can you assure my constituents that you, as Minister of Health, are doing your very best to encourage physicians to relocate in rural areas of this province?

**Hon Mrs Witmer:** Yes, our government has been working in partnership with our stakeholders such as the Ontario Medical Association, and we have introduced many initiatives to encourage physicians to go to northern and rural communities in Ontario. As you know, we provide a 70-hour sessional fee, we have community development officers, we have community-sponsored contracts, we have APPs. We've recently announced the increase in spots in medical schools by 40 positions, and we will be further increasing that number next year.

We're also making available to students free tuition if they're prepared to return service for three to four years in an underserved area, and we are anxiously awaiting the recommendations of the expert panel in order that we can make further progress. We've also doubled the number of international medical graduates who are available to practise in Ontario.

#### GASOLINE PRICES

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** My question is to the Minister of Economic

Development and Trade, and it concerns the tragic plight of hundreds and thousands of independent truckers in Ontario. Minister, you and I know, and all members of this House know, that independent truckers across the province are in a desperate situation that gets worse with each passing hour. For most of these people, diesel fuel prices have increased in the order of 60% to 70% in the last year.

My question to you today, on behalf of the independent truckers in my county and across the province, is, what specific measures are you and your colleagues in the Harris government prepared to announce today to provide the much-needed relief without which many of these hard-working independent business people are going to go out of business?

**Hon Al Palladini (Minister of Economic Development and Trade):** I certainly would like to thank the honourable member from Renfrew-Nipissing-Pembroke. I couldn't agree with him more that the independent owner-operators of this province are a vital part of our economy, and I believe they have been facing some challenges over the past year—challenges, I might add, that every Ontarian has also been facing throughout the year because of high fuel costs.

This government has certainly taken an active role by helping facilitate meetings within the industry itself and coming up with eventual answers that will address some of those concerns and some of those issues. I'm really pleased with the way that sectors of the industry have responded, and I think the surcharge rebate has been one of the highly rated topics, and many shippers have already come onside.

**Mr Conway:** There are independent truckers in Pembroke, Renfrew and Cobden watching this debate right now, and they want me to ask you on their behalf—and their situation is desperate—what measures have you taken that are going to provide immediate relief to those independent truckers in the places I mentioned? I could add Hawkesbury, North Bay, Cornwall and Kingston and so many others to that list. The rumours of what was being discussed between you and the national trucking association the other day, I'm told by my constituents, are completely irrelevant to their concern. They tell me this does not have anything to do with their reality. So they asked me to stand here today and ask you, Minister, what specific measures have you taken or will your government take to provide immediate relief to those independent truckers in communities like Pembroke and Renfrew who tell me that unless they get some help soon they're going to be out of business even sooner?

**Hon Mr Palladini:** I do believe that many shippers have already come forward and are making sure those surcharge rebates are being passed on to owner-operators. I said very clearly from the beginning that this government is going to lead by example, and we are also going to have to come to the table at one point or another once a forum has been developed. We're in the process of setting up a working group which will include people from the industry abroad throughout the province, which



includes shippers and carriers and also the federal government. We're going to be appointing an independent chairperson to make sure that these issues are going to be brought forward.

Within this working group we hope to come up with remedies that will answer the questions that we all want to ask ourselves and come up with answers that are going to make the situation better for all concerned. As I said earlier, the trucking industry is a very important part of this province and we're willing to work and help facilitate whatever meetings need to be taking place.

1430

#### HIGHWAY IMPROVEMENT

**Mrs Julia Munro (York North):** My question is to the Minister of Transportation. Many of my constituents, as you know, travel every day from the riding of York North. They commute every day from the communities of Georgina, Newmarket, Pefferlaw and Holland Landing and they must use the 400 series highways. They have to share them with a growing number of people who are commuting from Barrie, cottagers and so forth. It is in that context that there is growing concern about the amount of traffic that comes along on these highways.

My question is, what are you doing to make sure that the 400 series corridors in these areas continue to meet the needs of my commuters?

**Hon David Turnbull (Minister of Transportation):** I would certainly thank the member for York North, a very articulate spokesperson for the concerns of her community. Indeed, our government has demonstrated its concern with this issue. This year, we have a \$1-billion highway capital budget, far and away the largest highway capital budget in provincial history, 10% higher than last year, which in itself was a record.

Specifically, we are committed to improving and expanding these important corridors. Highway 401 corridor improvements include—and I announced the following three announcements in August—seven projects worth \$70 million, adding additional lanes at bottleneck locations. Highway 400, two projects worth \$40 million, including adding additional lanes in both directions. Highway 404, a \$37-million extension and widening, and a 2.7-kilometre extension. Roads are a high priority for our government.

**Mrs Munro:** Thank you, Minister. I'm sure you would agree that it is important that transportation needs are met, both today and in the future. What are the future plans for these corridors?

**Hon Mr Turnbull:** We're certainly committed to ensuring that future infrastructure needs are met. To this end, we've announced some planning studies. An eight-month Simcoe highway network assessment which will examine the whole of the long-term transportation needs of Simcoe county: this study will include a Barrie bypass, widening of the 400 through Barrie, improvements to Highway 11 north of Barrie and better access to Collingwood and the Georgina Bay area. I've also announced

two Highway 400 studies which cover the area of Major Mackenzie Drive to Barrie.

We're committed to enhancing the long-term, long-range planning of this government so that future transportation needs can be met.

#### CHILD CARE

**Ms Shelley Martel (Nickel Belt):** I have a question for the Premier. How is it that, in the face of all your rhetoric on early-years education, Ontario's child care system ranked average, mediocre, in a national study that was released today?

The study made it clear that governments could do three things to improve quality of care: (1) they could increase payments to those child care workers who deal with our kids every day; (2) we could improve training levels for all staff; and (3) we could increase operating funding to child care centres so that more money can go to resources for our kids. It's those kinds of investments made by Quebec and British Columbia that led those two to the top in terms of ranking of quality childcare.

My question is, how much new money is your government prepared to invest to ensure that Ontario moves to the top when it comes to regulated child care?

**Hon Michael D. Harris (Premier):** I think the Minister of Community and Social Services should respond.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** This government certainly understands the importance of child care to families trying to balance the challenges of family and work. That's why our government has increased supports to parents by well in excess of 25%, almost 30%, to help parents address these challenges.

We believe child care is an important resource, and we want to help parents make choices and assist parents in making those choices.

We also understand the importance of early childhood development. That's the reason why this Premier and this government commissioned the Early Years study. That's why this Premier and this government pushed the federal government to invest more money into early childhood development in the agreement that was recently reached in Ottawa.

**Ms Martel:** Well, the question was, how much new money is your government going to spend on regulated child care to improve the quality? Your record on child care is dismal. You have cut funding for regulated child care by 15% since 1995. You are now spending \$43.41 less per child in regulated child care than you were in 1995. It was your government that tried to cut the increases to daycare workers when you tried to cancel proxy pay equity. That's your track record on regulated child care.

You have an opportunity to invest in our kids, if you care about our kids. You will receive \$900 million from the federal government to support the national children's

agenda. How much of that \$900 million are you prepared to invest in regulated child care in Ontario?

**Hon Mr Baird:** I don't think this government has any apologies to make for the commitment we bring to helping children and the effect of early childhood development.

I will not be lectured by the member opposite. It's this government which has increased spending by more than 30% to what she spent. It's this government which commissioned the Early Years report. It's this government's Premier who brought this issue directly to the table of the first ministers. It's this government which once again this year increased spending for child care.

What is her party's record? If you look at her party's document from the last election campaign, not one single dollar promised for more child care. She's got a lot of nerve to come and hector this party.

### EMERGENCY SERVICES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the Minister of Health. Two and a half years ago, in February 1998, you said you were taking immediate steps to resolve the emergency room backlog. The next year, in February 1999, you said you'd taken steps to ease the strain on hospital emergency doctors and nurses and reduce the number of times hospitals have to use redirect. In July, a year ago, you said you had fixed the emergency room problem once and for all. Last December, you came out with a 10-point plan to deal with the unprecedented chaos in emergency rooms in Toronto and the GTA. In August, with hospitals across the province continuing to turn away ambulances, you announced you were going to expand on the success of your Toronto plan.

Minister, what success? Yesterday again, every emergency room at every general hospital in Toronto was asking ambulances to stay away. All of Hamilton's emergency rooms were on critical care bypass. Joseph Brant in Burlington was on redirect. Two and a half years of non-solutions, and we still have chaos. Why is this crisis worse than ever?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** If the member opposite would take out some of the clippings from years past, she would see that during their tenure of 1985 to 1990, when Elinor Caplan was minister, there were similar situations when there were tremendous emergency room pressures. In fact, if she were to take a look at clippings from across Canada, the United States and elsewhere, she would see there have been emergency room pressures.

It is not a new situation. It is, however, a situation we are addressing. Unfortunately, those who have studied the problem tell us there is no single root cause. But I am pleased to say that we have been working with our colleagues, our stakeholders, we have been working with the Ontario Medical Association, our nurses, our hospitals and our ambulances, and we have embarked, as the member well knows, on the most comprehensive emer-

gency room strategy of any province in Canada. We are and have invested—

**The Speaker (Hon Gary Carr):** Order. I'm afraid the minister's time is up. Supplementary.

1440

**Mr George Smitherman (Toronto Centre-Rosedale):** Last night, the only emergency ward in Toronto that was open was the Chicago Hope film set in the Ferguson Block on Grosvenor Street. To add insult to injury, this Sunday 20,000 emergency room visits will be lost when the Wellesley Hospital slams its doors shut, and soon Women's College Hospital, ironically located on Grosvenor Street, will slam its emergency ward shut.

Right now, we have a hearing going on, a coroner's inquest, where the family of Joshua Fleuelling is trying to get answers, is desperately seeking answers as to why their son lost his life, related to emergency room problems.

Madam Minister, what assurances can you provide to my constituents and to the people of the city of Toronto that when they need emergency services they will be available?

**Hon Mrs Witmer:** Maybe we should be fair and put on the record the fact that we all know there is a need for additional emergency room capacity. In fact, within the city of Toronto we are building and have already opened two new emergency rooms, and five others are under construction. I'm very pleased to say that, as a result, we will be increasing the capacity. If this was the type of reconstruction that had been undertaken by previous governments, we wouldn't be where we are today. But as you well know, we are undertaking a major restructuring of the hospital system. We are ensuring that the services will be there to respond to the needs of patients.

I'm pleased to say that also this year we are undertaking a comprehensive free flu vaccine. It's another measure to make sure we relieve the pressure on emergency rooms. We are the only jurisdiction to undertake a flu vaccine to make sure that we can reduce the pressure.

We've also invested more than \$600 million. We have 1,200 additional beds opening. We have 100 additional—

**The Speaker:** Order. I'm afraid the minister's time is up.

New question.

### GOVERNMENT SERVICES

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I hope my guests are still here. I have three very important people in the gallery today. Sardar Avtar Singh Brar, MLA, Congress Party, from Punjab, India; Sardar Harmohinder Singh Pardhan, MLA, Congress Party; and an ex-MLA, Sardar Gurdip Singh Bhaini. I would certainly like to welcome them, if they are still here, on behalf of everyone.

My question today is to my honourable colleague the Chair of Management Board. Minister, I've been reading with interest lately about your efforts to bring the Ontario government into the 21st century. In this day and age,



with personal time becoming more and more precious, what is Management Board doing to shorten those long, over-the-counter line-ups for government services?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet):** First of all, I'd like to thank the member for Bramalea-Gore-Malton-Springdale and welcome your friends to be part of the procedures today.

Let me say how strongly we on this side of the House believe that what we're doing to improve service to the people of Ontario is going forward through information and information technology to help improve the way government works. There are a lot of exciting initiatives underway. Electronic government, simply put, for those viewers who may be interested in this, is about applying information and information technology to improve all aspects of government and finding new ways of working with our partners and, most important, giving better service to the taxpayers of Ontario.

Already, we've transformed a government that offers public services only through over-the-counter transactions. There are numerous examples of improvements, but the most obvious is the driver's licence. Many in this House and many on TV will remember the day when you had to line up to get your driver's licence. Now you can do it at any one of our 60 kiosks right around the province.

**Mr Gill:** Thank you very much, Minister, for that enlightening answer.

I heard that you've asked the ministries to put forward plans to move the proverbial yardstick when it comes to electronic service delivery. Can you tell the House what your plans are and if we can meet those tight time frames?

**Hon Mr Hodgson:** Thank you for the question; it's a good question. Our ministry and our government, under the leadership of Mike Harris, have said that we want to be a world leader in the digital economy. To do that, we've asked that all ministries be electronic-service-delivery compatible by the year 2003. We want to be a world leader in this field and we're looking at all our services to the public and businesses and how we can improve that.

I've asked every ministry to submit their information technology plans by October of this year. We will take our time and review that by February. I've been meeting with IT people from around North America in particular over the last year. We want to make sure that our ideas are current, that we're progressing on the right track, and that at the end of the day we're a world leader, making sure that our government can deliver services electronically.

#### EDUCATION FUNDING

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Education. Some of the most important activities that go on in my community occur after regular school hours, programs run by community groups often involving young people. The

minister will know that in Toronto those programs are threatened because the Harris government, through its funding, its formula, its funding for school boards, provides nothing for community activities in our schools.

Many community groups are faced with enormous increases in costs. We have one soccer group in our area that will see its costs go from \$700 a year to \$13,000. Another community group is going from \$15 a night to \$200 a night. It's tragic. This is going to have a profound impact on our community.

The question is this: Knowing the impact your formula is having on these community groups, will you now reconsider the decision to provide no funding for community activities in our schools?

**Hon Janet Ecker (Minister of Education):** After-school-hours use of school buildings by community groups is a very good use of those buildings. It's certainly something that is very helpful for the community. Governments of Ontario have never funded that use of schools. School boards have set the policies around that.

We were very clear, both in 1995 and 1999, that our priority with educational dollars was to focus all those resources on classrooms and the related services around that, co-instructional activities, for example. The issue of cost is, how does a school board pay for after-school-hours use? School boards have continued to set those policies, as they have across this province. We have provided additional flexibility for boards on accommodation. I'm looking at funding in terms of accommodation for next year.

**Mr Phillips:** Let me try to clarify what I gather is your answer. You think it's extremely important that these things take place, but you're unwilling to provide any funding for them to take place. So you put the school boards in an impossible position. You say it's a good idea, you think the schools should be used, but you will provide no money for it. The people of Ontario should know Mike Harris controls every penny given to a school board.

So I say to you again, Minister: if it's a good idea, if our communities should be using those buildings that they've paid for out of their hard-earned tax dollars, why will you not provide the necessary funding to ensure that these terrific community groups, doing enormous good for our communities, looking after our young people, providing the programs that they should on a volunteer basis, working as hard as they can, aren't faced with an impossible financial situation because you and Mike Harris have decided you will provide no funding for them? Will you now reconsider that?

**Hon Mrs Ecker:** First of all, what the member states is not correct. We do provide funding to school boards and give them flexibility in how they allocate that for accommodations. Many school boards continue to have use of their schools by community groups. Many school boards continue to charge fees to community groups. That's not a new thing. That is something that boards have done before.

The honourable member is quite right. Taxpayers pay for these facilities. Taxpayers pay for the use of these facilities, whether it's during school hours or after school hours.

This school board in Toronto is wrestling with the difficult decision about how to set a policy for charging for the use of their building, as are all school boards. This is not a new issue for school boards. They've had this responsibility for many years. All boards set appropriate policies as they see fit. They can vary them from group to group if they wish. There's a lot of flexibility and ways they can deal with this difficult but important—

**The Speaker (Hon Gary Carr):** The minister's time is up.

1450

### CONSUMER PROTECTION

**Mr Bert Johnson (Perth-Middlesex):** My question is for the Minister of Consumer and Commercial Relations. Ontario is enjoying one of the most prosperous periods ever in the history of the economy. I know constituents of Perth-Middlesex are enjoying the economic boom that has blessed our province in recent years. More money in people's pockets means more money for them to spend in ways of their own choosing.

**Mr Dominic Agostino (Hamilton East):** Bert, you don't get a supplementary. Do it all in one.

**Mr Johnson:** If the member for Hamilton East would be quiet, I'd continue.

However, with more money to spend it means consumers have to be more aware of the businesses and individuals looking to take advantage of good fortune.

Minister, could you share with the House what your ministry is doing to ensure the protection of Ontario's consumers?

**Hon Robert W. Runciman (Minister of Consumer and Commercial Relations):** I'd love to, and I want to thank the member for Perth-Middlesex for the question. As members know, a fair, safe and informed marketplace is basic to a healthy investment and business climate in our province.

Our current consumer statutes are aimed at ensuring that consumers receive accurate and adequate information from businesses so they do not fall victim to consumer scams. However, we're always looking for ways to improve our existing standards to make Ontario a better place for its citizens to work, live and raise a family. That's why the ministry is currently consulting the Ontario public through a paper entitled Consumer Protection for the 21st Century. We're taking a look at proposed new legislation that will address emerging issues such as telemarketing, time-shares and e-commerce. We're going to hopefully consolidate nine current consumer-protection statutes into two statutes, and we're moving on that front very aggressively.

### VISITORS

**The Speaker (Hon Gary Carr):** Just before we get to petitions, I'd like to ask the members to welcome the 25th group of Ontario legislative interns to our assembly. Seated in the Speaker's gallery are Amy Dickieson, Ted Flett, Rebecca Gosevitz, Tyler Langlois, Michelle MacDonald, Daniel Malik, Nanda Purandare and Rachel Sheer.

### LEGISLATIVE PAGES

**The Speaker (Hon Gary Carr):** I would like all members to welcome the pages for the first session of the 37th Parliament. We have Brian Agate from Stoney Creek, Stefani Alexopoulos from York North, Michael Cancilla from Mississauga Centre, Nadene Canhas from Brampton West-Mississauga, Ashton Chamney from Huron-Bruce, Cameron Dutchak from Sault Ste Marie, John Estabillio from York North, Daniel Fahrur from Bruce-Grey-Owen Sound, Mikhail Ferrara from Hamilton Mountain, Willy Heeman from Perth-Middlesex, Jeanie Hendrie from Windsor-St Clair, Christopher Huckabone from Renfrew-Nipissing-Pembroke, Virginia Kromkamp from St Paul's, Joanne Leung from Don Valley East, Amanda McIsaac from Simcoe North, Natasha Mroczek from Sarnia-Lambton, Raymond Persaud from Eglinton-Lawrence, Jill Quirt from Kingston and the Islands, Andrzej Samoraj from Toronto Centre-Rosedale and Tracey Saxon from Niagara Centre.

I'm sure all members join in welcoming our pages.

### PETITIONS

#### DOCTORS' FEES

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I have a petition to the Parliament of Ontario:

"Whereas, being the sole provider of obstetrical services in a rural community, Dr Gerry Rosenquist is allowed only one billing per client, although he may be asked to see this client more than once during her pregnancy, labour and delivery,

"We, the undersigned, petition the Parliament of Ontario as follows:

"We support Dr Gerry Rosenquist in his search for fair treatment for consultation billing allowances. We encourage you to look favourably on his request, so that the Winchester community can continue to provide obstetrical services."

This is signed by hundreds of my constituents, and I have also signed the petition.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr Howard Hampton (Kenora-Rainy River):** I have a petition to the Ontario Legislature entitled



"Northerners Demand Harris Government Eliminate Health Care Apartheid":

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province;

"Whereas we support the efforts of the newly formed Ontarians Seeking Equal Cancer Care, founded by Gerry Lougheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

This has been signed by a number of constituents and I am pleased to affix my signature to it as well.

**Mr Rick Bartolucci (Sudbury):** This petition is to the Ontario Legislature and it concerns the northern health travel grant. It is the second hundred of the 51,000 we will be presenting until the government stops the health care apartheid which it is practising.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Lougheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

I affix my signature to this 100-name petition.

**Ms Shelley Martel (Nickel Belt):** I have a petition signed by a number of residents of my home town and people in my riding. I want to thank Gerry Lougheed Jr for all his work in gathering these 50,000 names. It reads as follows:

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province;

"Whereas we support the efforts of the newly formed Ontarians Seeking Equal Cancer Care, founded by Gerry Lougheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario."

As you can guess, I fully agree with the petitioners.

## EDUCATION FUNDING

**Mr David Caplan (Don Valley East):** This follows up on a question by my colleague from Scarborough-Agincourt. It's a petition to the Legislative Assembly of Ontario:

"Whereas Mike Harris promised in 1995 not to cut classroom spending, but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

"Whereas community use of schools is necessary to preserve low-cost and easy access to community programming in our riding; and

"Whereas the Mike Harris funding formula is forcing boards of education to charge high fees to groups that require use of schools for their programming;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to instruct the Minister of Education to restore meaningful and flexible funding to the Toronto school boards to ensure that they are able to continue to accommodate community use of schools at low or no cost to the community groups renting the facilities."

This petition has been signed by a number of residents within Don Valley East. I wholeheartedly agree and affix my signature to it.

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## SAFE DRINKING WATER LEGISLATION

**Ms Marilyn Churley (Toronto-Danforth):** I have the signatures of 666 residents of White River, Ontario, in support of the Safe Drinking Water Act, Bill 96, which will come up for second reading on Thursday morning at 10. It reads:

"To the Legislative Assembly of Ontario:

"Whereas the people of Ontario have the right to receive clean and safe drinking water; and

"Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of public health; and

"Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

"Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

"Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

"Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) Immediately restore adequate funding and staffing to the Ministry of the Environment; and

"(2) Immediately pass into law Bill 96, the Safe Drinking Water Act, 2000."

I will of course affix my signature to this petition.

## NORTHERN HEALTH TRAVEL GRANT

**Mr Michael A. Brown (Algoma-Manitoulin):** I have again a petition signed by hundreds of my constituents to be added to the thousands of names.

"To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledges that the costs associated with that travel should not be fully borne by those residents and, therefore, that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put into place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which

obviously creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in their communities."

I proudly affix my signature. This particular group is mostly from the city of Elliot Lake.

## SNOWMOBILE LEGISLATION

**Mr David Christopherson (Hamilton West):** I present a petition on behalf of my colleague from Nickel Belt, who had to leave the chamber for an urgent matter. The petition reads as follows:

"Whereas Bill 101, An Act to promote snowmobile trail sustainability and enhance safety and enforcement, does not exempt trappers from driving a motorized snow vehicle upon a prescribed trail except under the authority of a trail permit for the motorized snow vehicle issued under subsection (2) or except on lands occupied by the owner of a motorized snow vehicle;

"Therefore, we, the undersigned, petition the Legislature of Ontario as follows:

"That subsection 2.1(1) of Bill 101, 2000, should be amended to:

"No person except trappers with a valid trapper's licence shall drive a motorized vehicle upon a prescribed trail except under the authority of a trail permit for the motorized snow vehicle issued under subsection (2) or except on lands occupied by the owner of a motorized snow vehicle."

I add my name to those of the petitioners, as well as that of Shelley Martel.

ONTARIANS WITH DISABILITIES  
LEGISLATION

**Mr Steve Peters (Elgin-Middlesex-London):** "Whereas Mike Harris promised an Ontarians with Disabilities Act during the 1995 election and renewed that commitment in 1997 but has yet to make good on that promise; and

"Whereas the Harris government has not committed to holding open consultations with the various stakeholders and individuals on the ODA; and

"Whereas Helen Johns, the minister responsible for persons with disabilities, has not made the commitment to the 11 principles outlined by the ODA committee; and

"Whereas Steve Peters, MPP, in his commitment to a strong and effective ODA, sponsored a resolution which was passed unanimously in the Ontario Legislature, calling for the passage of such an act in two years; and



"Whereas the vast majority of Ontario citizens believe there should be an ODA to remove the barriers facing the 1.5 million persons with disabilities in this province;

"Therefore we, the undersigned, petition the Ontario Legislature as follows:

"That the Ontario government pass a strong and effective Ontarians with Disabilities Act that would remove the barriers facing the 1.5 million persons with disabilities in the province of Ontario."

This is signed by many individuals in my riding, including John Atkin, and I have affixed my signature hereto.

## OCCUPATIONAL HEALTH AND SAFETY

**Mr David Christopherson (Hamilton West):** I have further petitions from the CAW forwarded to me by Cathy Walker, who is the national health and safety director. All of these petitions are signed by members of CAW Local 199 in St Catharines.

The petition reads as follows:

"To the Legislative Assembly of Ontario

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances, known as carcinogens; and

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens; and

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances in the workplace; and

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer and that the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

Again, on behalf of my NDP colleagues, I add my name to those of these petitioners.

## FRAIS DE TRANSPORT AUX FINS MÉDICALES

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier):** À l'Assemblée législative de l'Ontario :

« Attendu que le programme de subventions accordées aux résidents du nord de l'Ontario pour frais de transport à des fins médicales a été créé en 1987 en reconnaissance

du fait que les résidents et les résidentes de l'Ontario sont souvent forcés de recevoir des traitements en dehors de leur communauté en raison du manque de services ;

« Attendu que le gouvernement de l'Ontario a reconnu que les coûts associés à ces déplacements ne devaient pas être entièrement assumés par ces résidents, et que le gouvernement de l'Ontario devait offrir une aide financière par l'intermédiaire du programme de subventions pour frais de transport ;

« Attendu que les coûts de déplacement, de logement et autres ont augmenté en flèche depuis la création du programme, particulièrement en ce qui a trait aux déplacements en avion ;

« Attendu que le gouvernement de l'Ontario a fourni des fonds pour couvrir toutes les dépenses des patients du sud de l'Ontario qui ont besoin de traitement au Centre régional de cancérologie du Nord-Ouest de l'Ontario, créant ici deux normes de traitement dans la province ;

« Attendu que les résidents et résidentes du nord de l'Ontario ne devraient pas recevoir un niveau différent de services ou être victimes de discrimination en raison de leur lieu de résidence ;

« Par conséquent nous, les soussignés citoyens et citoyennes de l'Ontario, demandons à l'Assemblée législative de l'Ontario de reconnaître l'inéquité et l'insuffisance du programme de subventions accordées aux résidents du nord de l'Ontario pour frais de transport à des fins médicales, et de s'engager à réexaminer le programme avec pour but de financer 100 % des coûts de déplacement des résidents et des résidentes ayant besoin de soins en dehors de leur communauté jusqu'à ce que ces soins soient disponibles dans leur communauté. »

Je suis fière d'apposer ma signature à cette pétition.

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## ORDERS OF THE DAY

### McMICHAEL CANADIAN ART COLLECTION AMENDMENT ACT, 2000

### LOI DE 2000 MODIFIANT LA LOI SUR LA COLLECTION McMICHAEL D'ART CANADIEN

Resuming the debate adjourned on September 25, 2000, on the motion for second reading of Bill 112, An Act to amend the McMichael Canadian Art Collection Act / Projet de loi 112, Loi modifiant la Loi sur la Collection McMichael d'art canadien.

**The Acting Speaker (Mr Tony Martin):** Resuming our debate on 112, the member for Trinity-Spadina.

**Mr Rosario Marchese (Trinity-Spadina):** I want to apologize to the taxpayers of Ontario because normally I have a little more pepper to offer in these debates, but I have an infection in my throat and it's going to make it tough to give the pepper that I want to put into it. I hope that I find it. But in the fine wisdom of the Ontario

electorate, they only elected nine New Democrats, as a result of which even those of us who are sick have got to be here and pitch in and help out. That's why I am here. But I did want to say to the taxpayers that you might not see the kind of flavour that you normally see.

I'm happy to be debating this bill—not unhappy, very happy—because there are a couple of points I want to make that I think should be of interest to the Ontario public. I want to begin by giving a bit of a history of the McMichael Canadian Art Collection so as to give you a sense of where we were and where Mike Harris, the Premier, has taken us.

Because I have a lot of time, I'm going to take my time to read it out so people can listen to it carefully without the speed that normally I do things.

The 1965 agreement re the McMichael Canadian Art Collection: McMichael gives land and premises of Tapawingo to the crown. In 1972, there was a change of law and it basically did the following: a crown corporation was created to run the gallery. A 1982 law: no change in this regard. A 1989 law: name changed to the McMichael Canadian Art Collection. Not a big deal. Bill 112, the bill that we are debating today: no change in this regard.

Moving down the list, going back again, 1965 in a different area in terms of its administration, we have a five-person advisory committee that was created at the time. The McMichaels have two votes. That's basically in a nutshell what we had in 1965.

In 1972 we have a board of trustees of nine members. They run the gallery. The McMichaels are trustees for life. Mr McMichael is named as the director and he's on a salary. God bless.

The 1982 law: McMichael loses the director's position, named founder-director emeritus pursuant to the October 1980 deal. The new director appointed by the board with minister's approval. In 1989, the board is expanded to 17 members, including both McMichaels. The board is to select their replacements. Board's approval of director is subject to minister's approval, and in brackets here we have, "A 1997 amendment removes this veto."

Bill 112, the current bill that we are debating: the board is expanded to 25 members, including both McMichaels, and we have the right of the McMichaels to name the replacements to board. The minister's power to veto board's selection of director is restored.

Going back again, in a different category altogether, 1965 agreement: mandate is limited to Group of Seven and three other named artists, plus others designated by the advisory committee who "have made contributions to the development of Canadian art." In 1970, the committee designates four more artists who are associated with the Group of Seven.

Moving on to 1972 in terms of changes that were made, the mandate is changed to specify that all artworks must not be "inconsistent with the general character of the collection" when gallery was created in 1965, but no specific mention of artists listed in 1965.

In 1982, there is again yet another law introduced and the mandate is changed to restore the list of 10 specified artists from 1965 and, in addition, art by indigenous peoples of Canada is to be collected and the work by other artists who have made contributions to the development of Canadian art, "and whose artworks and objects will be consistent with the general character of the collection." We read here that the italicized phrase, which I was reading, is added at the McMichaels' insistence—as a point that needs to be made—and in exchange he agrees to accept that the board of trustees runs the gallery.

In 1989 the mandate is changed to drop the italicized phrase from 1982 law and to allow the gallery to collect art by artists who make, as well as have made, contributions to the development of Canadian art. You can see, taxpayers of Ontario, the evolution that we have seen from 1965 to the present moment as, in my view, it ought to be.

Bill 112, introduced by this minister and this government, says that the original 1965 mandate is restored. Notice now that we're going back now to 1965; for the first time, the law acknowledges the existence of the 1965 agreement. The preamble reaffirms the commitment to agreement spirit and intent. The original five-person advisory committee is restored, with McMichael having two votes and, for the first time, the law will stipulate that board bylaws do not go into effect until the minister approves them. However, the minister loses his power on: (a) the day the minister declares that the gallery now conforms to its new mandate; and (b) on the third anniversary of this section going into effect, whichever is later.

That is the general history. I thought for the purposes of those who are watching and might be interested in it that it would be useful to give the evolution of the McMichael Canadian Art Collection. It's useful to see that there has been an evolutionary development of the gallery that everybody, in my humble view, suggests was a good thing for artists, for the gallery, for Ontarians, for everybody involved, except perhaps the McMichaels, who have never been happy from the moment that this gallery was given away to the Ontario government and thus to the Ontario public.

We've got a problem. As I read the statement made by the minister just yesterday, in her remarks she says: "The purpose of this bill is very clear." That stunned me. I wasn't quite sure how clear this bill is in terms of doing anything to restore the vitality or even to advance the vitality of this gallery. I don't see how clear it is except that she says it, and I guess if you say that the purpose of this bill is very clear, it must be so because she says it's clear. But if anything, it's more than confusing to anybody following this issue, because nothing in the debate of this bill presented by this minister is very clear. I'm going to try to tackle why it's not very clear and in fact makes the situation much more confusing and makes it worse. I hope to be able to get to that in due time.



1520

She says it is to restore the McMichael collection to sound financial health and to honour the intent of the gallery's original mandate. How this bill moves in a direction that will restore sound financial health is unclear to me. I know it's clear to the minister—for reasons known only to herself, I assume—but it isn't clear to me and it isn't clear to anybody involved that this bill will restore the financial kind of preoccupation that the McMichael collection has faced over the years.

In relation to funding, I should point out that the Ontario government, before this government came into power, used to give 80% of the operational dollars to run the McMichael collection. By the way, I as a social democrat believe that's the proper thing to do, because if governments are not there to support the arts, to support culture, to support galleries of this nature, we will not have the vitality in this sector that we deserve as Ontarians.

What this government is very proud of is that they're seeking out partners as a way of defunding the public support for these galleries. Their view is, find private sector individuals to give more. The point is that under New Democrats and the Liberals before us, we always had the support of private individuals to support galleries of this sort. We always did. Their view is the private sector has to do more because this government isn't willing to devote public dollars to institutions of this sort. I believe that's wrong. I firmly believe that unless governments put in the adequate supports that are necessary, these institutions will always be weak, and that when they force institutions to go out on their own to find the money, they will indeed be weakened.

It is inevitable that that is the case, because you can only go to the private sector so much before you exhaust their interest, their desire to give, even though they get a generous tax credit—and I suspect some of them would like a hefty tax credit for them to give more. I have to tell you, the more we go to the private sector to give more to the public sector, the more we as a government, through them, will be forced to give more generous tax contributions as a way of having rich people give to institutions of this sort. But we end up paying. One way or the other we will end up paying, because when you give tax credits for any contributions they make, where do you think that money comes from, except you, good taxpayers of Ontario, who pay for that? One way or the other, you, taxpayer, have to pay. The question is, how do you want to pay: by giving tax credits to the wealthy so they can make greater contributions, or that you as an Ontario taxpayer make a contribution and have these works of art in these public venues? One way or the other you have to pay, and I believe our way was a better way, where Ontario made the major contribution and then we went out to the private sector to ask them to give in whatever form they wanted. That's the directional change we've had from this government. The reason we are in a financial mess, the reason many of our institutions are in a financial mess, is that this government is giving less

and less and less every year, even though the economy has gotten better and better every other year that this government has been in power.

They will claim, of course, that this economy is better because of the tax cuts. It's the dumbest thing I've ever heard, but you hear the Premier continually saying it—because I suppose if you keep on saying it, somebody's going to believe it.

The newspapers connected to these Tories continue to say the same thing. The rich people want the tax breaks. The rich people own the Toronto Sun, the Financial Post, the Globe and Mail and the Liberal paper, the Toronto Star. They advocate these tax cuts. So of course they've got nothing to lose by having these Tories claim that tax cuts are the things that have created the boom in our economy. They've got nothing to do with it. It's a dumb argument. We've continually said to these Tories, "Show the evidence." There is no evidence. There is no economic evidence that the billions of dollars they're pouring into that hole, wasted billions of taxpayers' dollars, is doing anything for our economy. I say to the ministers, prove it, bring evidence, bring evidence in this Legislature. The only evidence they bring, Minister, is that the Premier of Ontario says it is so, and the other MPPs, echoing the same thing, say, "It is so because we say it is."

We are losing billions of dollars in these tax cuts, as a result of which we don't have the few dollars to support our public institutions. That's why many of them are in financial trouble. Those that are surviving, like the ROM, the gallery that is in my riding, are surviving because, yes, they are fine institutions. Because they are great institutions, there are a lot of wealthy people willing to make contributions to keep them sound. Because they are fine institutions, yes, people will pay the big bucks to go and see the works of art that will permit those institutions to be financially sound. But so many other institutions will not be in the same boat without government help. They will not be able to sustain themselves. That's where governments need to step in to support those public institutions that belong to us, without which we would be impoverished.

The minister continued to say in her remarks yesterday that, "This bill addresses a specific situation at a specific institution, the very serious financial management and mandate issues at the McMichael." I made the argument moments ago as a way of saying to taxpayers that, yes, there have always been problems. But to believe that you can go back to the 1965 mandate as a way of somehow restoring its financial footing is fundamentally stupid and fundamentally unsound. There is no basis for that argument. I am profoundly worried that the argument they're advancing will turn against them and against us, because ultimately the Ontario public will lose. That's the second point this minister makes.

She goes on to say, on page 4147 of Hansard, "The McMichaels' gift was honourable and it was generous. Unfortunately, over the years the spirit of the collection has been violated." Interesting argument. The minister

says—and the Premier—"the spirit of the collection has been violated."

McMichael took the government to court many years ago now. They've done it on several occasions. "Frustrated by the McMichaels' inability to persuade the government of the day to act, the McMichaels eventually launched a lawsuit claiming that the 1965 gift agreement was still binding on the McMichaels' Canadian art collection and that the institution was in breach of it.

"In November 1996, the Ontario court ruled in favour of the McMichaels. Judge Peter Grossi rejected the crown's contention that the legislation passed in 1972 superseded the 1965 gift agreement which had been enacted into law. The judge ruled that none of the 1972, 1982 and 1989 acts specifically invalidated the 1965 agreement. Therefore it was still in effect. Those artworks added to the collection since the 1960s which violated the 1965 mandate would have to be removed."

I'm giving you a bit of history as a way of getting to the argument the minister makes that the spirit of the collection has been violated.

1530

This ruling, of course, was welcomed by the McMichaels. It caused an uproar in the professional arts community. "Board members of the gallery, as well as many professional art administrators, pointed out that the court's judgment, if applied vigorously, would require the gallery to divest itself of hundreds of thousands of artworks." I'll get back to this point shortly. "Not only would this cause administrative turmoil at the gallery, but it would undoubtedly harm the gallery's image in the eyes of donors and corporate sponsors and might even expose the board of trustees to legal action if the donors whose works were returned to them consequently encountered unexpected tax liabilities."

Therefore, in December 1996, Marilyn Mushinski, then the Minister of Citizenship, Culture and Recreation, announced that the crown would appeal Judge Grossi's decision. So I ask myself: if this minister and the Premier believe, as the minister said, that the spirit of the collection has been violated, why would M<sup>mc</sup> Mushinski at the time and her government—she was not then the minister—and the Premier and the cabinet and this caucus support an appeal? Because, I argue, the points I just read made it very difficult for the government not to make an appeal on the basis of Judge Grossi's decision. It would have been very difficult for them not to have appealed it, and they appealed it on good grounds.

I ask myself, what happened in 1996-97 that these people were convinced they were doing the right thing in appealing Judge Grossi's decision and then changed their minds in the year 2000 by the introduction of this bill that leads them to conclude that the spirit of the collection that was written up in 1965 had been violated? Why didn't they think that in 1996 when they appealed the decision to a higher court? Why? You've got to ask yourself these questions, because something is wrong, something is happening that we need to get to the bottom

of. Hopefully, I'll make some suggestions and comments about why the Premier, M. Harris, has done this.

I am making these points as a way of showing the inconsistencies of this government, that it seems they don't know what they're doing. Why would they have appealed it in 1996 if they didn't think they were doing the right thing? By appealing, of course, they won. I would think that Mushinski, the then-minister, would have been happy, that this minister would have been happy and that this government would have been happy to have known they won the appeal.

In November 1997, the Court of Appeal reversed the lower court and ruled in favour of the gallery. Since the 1965 agreement had never been written into law—the minister should listen to me on this—

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** She is.

**Mr Marchese:** No, she's not. She's talking to a few other members.

Since the 1965 agreement had never been written into law, Ms Jones, the various statutes reviewed above, and in particular the 1980 law, superseded the original agreement. I know Ms Jones isn't interested in these things because—

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** The name is Johns.

**Mr Marchese:** Ms Johns. Did I say Jones? My apologies.

**Hon Mrs Johns:** I've been here five years. At least get my name right.

**Mr Marchese:** My apologies to you, Ms Johns, absolutely.

*Interjection.*

**Mr Marchese:** OK, Frances, thanks for the help.

It is worth noting the Court of Appeal's comment on the dispute between the McMichaels and the gallery, in light of the government's subsequent decisions to legislate a return to the 1965 mandate in the form of Bill 112. "As noted above, in 1981, the Davis government granted the board of trustees a clear legislative mandate to run the gallery after Mr McMichael reversed himself in June of that year and repudiated the October 1980 retirement agreement."

The Court of Appeal suggested that Mr McMichael presented his list of demands in June when it became clear to him that the new director did not want to be bound by the 1965 agreement. In the court's opinion, his list of demands "would have effectively given Mr McMichael personal authority over acquisitions."

According to the court, "The McMichaels apparently believed that under the 1965 agreement they had absolute control over acquisitions. They undoubtedly came to this belief because Mr McMichael's advice and direction were invariably followed in the early years. Yet the McMichaels were never in a majority on the advisory committee. Even under the terms of the 1965 agreement, a determined gallery administration could have imposed its will on the institution. This is how we see it."



You see the problem. So when Ms Johns, the minister, says, "The McMichaels's gift was honourable and it was generous. Unfortunately, over the years the spirit of the collection has been violated," I say something is wrong, profoundly, because what I just read to you disputes the opinion that the minister makes, that the McMichaels have made since 1965. It's disputed, and the Court of Appeals that ruled in 1997 said as much in what I have just read.

Yet after they win this appeal, the government decides—out of where, I don't know—that the Court of Appeals decision must be wrong and they, the government, must have been wrong to have appealed it, because they introduce a new bill, Bill 112, that not only restores but entrenches what had not been entrenched in 1965.

Speaker, do you see how dumb this is? I know you see it. But how do we convince the Ontario taxpayers that what this government is doing is not smart, it's dumb? They try to manufacture a reason for their dumbness.

A whole lot of people have a whole lot of concerns about this. I think the minister has to listen carefully to what arguments have been made.

I want to read, for greater clarity, what Judge Grossi stated in paragraph 97. "The only way that I can sensibly read this agreement is that the board of trustees has ultimate control of acquisitions. The new director has the responsibility for implementing the policies and directions of the board with respect to acquisitions, and that Mr McMichael's role is to provide counsel and advice on acquisitions. This is totally inconsistent with an advisory committee that was, as Mr McMichael saw it at the time of its operations, under his influence and control."

It's obvious to me that Mr Harris has intervened and has intervened in a way that is wrong. I would rather use a different word to express his intervention, and that is that he meddled. He meddled in this situation unnecessarily and wrongly. Mr Harris, after winning the appeal they made, should not have meddled politically in this process, in this collection, now setting into motion, assuming these people are going to pass this bill, a direction that I believe will cause greater problems down the line.

The problems are many. "If Bill 112 is passed, the board of trustees will be under legal obligation to divest the gallery of thousands of works of arts, but without any clear statutory criteria to guide them." With no criteria to guide them, they will have to divest themselves of thousands of works of art. By the way, the bill is quite clear on this; I will find the reference in the bill that speaks to this—eventually. But it's in the bill. They've collected thousands of works of art "without any clear statutory criteria to guide them."

1540

On June 23, a day after Bill 112 received first reading, the McMichaels told the *Globe and Mail* that in addition to the 10 artists specifically named in Bill 112, he expects the new advisory committee to approve the four artists he and the original advisory committee designated in 1970

under the 1965 gift agreement mandate: Morrice, Clarence Gagnon, Albert Robinson and Thoreau MacDonald.

However, other than these 14 artists—by the way, it also includes aboriginal works, I believe; that's protected and that's good. But other than that, the bill is silent on whose work among the hundreds of other artists represented in the collection should be sold or given away.

The legal implications of giving away artworks for which the donor received tax credits are unclear. Moreover, giving away art donated in the memory of a loved one raises moral questions. These are the questions that this minister has not answered. The bill is silent on these questions. We are worried about what will happen to these collections, and I argue they ought to be concerned about what happens to these collections because legal questions are being raised, will be raised and will have to be dealt with if this bill is passed.

Everybody recognizes the contribution the McMichaels have made to this gallery, and they have been praised for their contribution ever since 1965. In 1965 they didn't get any tax break, it is true, but they got their tax break in 1968, the value of which exceeds \$1 million. I believe it's in the area of \$1.5 million or \$1.7 million. They did OK, I think.

In addition to all of the praise they have gotten for the contribution they have made, they have received financial contributions that shouldn't indicate to anybody that they're starving. In this regard, they've done OK. They lived in the building for many years, tax-free.

**Mr Tilson:** It was their home.

**Mr Marchese:** It was their home, no problem.

At some point, when the renovations of the building had to be done, a financial contribution was made for that home to the tune of \$300,000. I think they did OK. When it closed for renovations—yes, in 1981 the new home was bought for them at public expense, and after Parliament amended the Income Tax Act in 1968, that's when they received the tax credit, as I've said. The McMichaels have never understood that as a matter of law the gallery ceased to be their private collection in 1965 but instead became a publicly funded enterprise, subject to the direction of the Legislature and the board of trustees appointed by the elected government of the day. That's the problem.

As much as we praise the McMichaels for initiating this and giving the artworks, theirs, and making it possible for other people to give—it was a wonderful thing—they never wanted to let go of the control. They wanted absolute control of this gallery, and I don't think that's right. Once you've given away what was, yes, legitimately yours, you've got to leave it in the hands of administrators who presumably have the knowledge.

I can't doubt the people who have been hired have the knowledge to be able to make the selection on the kinds of works that are or were consistent with what the McMichaels wanted. Those decisions have been made for years and for years they were consistent, and for years that group of people who had the knowledge was

permitted to be able to buy or to receive objects of art that were consistent with what the McMichaels wanted since the very beginning.

The gallery accepts donations of contemporary art after receiving advice from its professional staff, who exercise their best judgment about whether the works make a meaningful contribution. That ought to be enough for politicians. It ought to be enough for this minister. It ought to be enough for this Premier. But, for some reason, it isn't. For some reason, they have retroactively changed the rules, the understandings and the law that put into a 1965 agreement what was not written in the 1965 agreement. That's what this minister and this government have done. They have politically intervened and manipulated this process in a way that is unacceptable to many people.

One individual writes the following—it was written to our leader. It's typical of many letters that have been read out loud already, but it gives you flavour of the opposition:

"I'm appalled by the intent of Bill 112 concerning the McMichael Canadian Art Collection. I urge you to use your influence to kill this obnoxious bill." In the view of this person it's an obnoxious bill.

"Hundreds of volunteers and financial contributors have supported the gallery over the years because of the mandate as it then existed. Now the government is unilaterally changing the mandate to place effective control back in the hands of its founders. Their announced intention is to take the gallery back to square one.

"The government claims that it is necessary to pass Bill 112 to solve the gallery's financial problems. What financial adviser has suggested that present owners and sponsors be dumped in order to, hopefully, get new ones? Yet that is the risk that will be exposed by this bill. The gallery is owned by the people of Ontario. The gallery has become an important focus for the wide community it serves. The traditional volunteers and supporters deserve to be consulted about such radical changes."

What this individual is saying is that the bill is obnoxious, that you are thinking you're solving a financial problem by creating another one, on which she says, "What financial adviser has suggested that present owners and sponsors be dumped in order to, hopefully, get new ones?" We don't know. She raises an important question. This individual, Ann Henderson, raises important questions. You're going to be dumping some with the hope you're going to get others. I don't know. You're hoping to get others, but you may lose a whole lot of people who have made a contribution. I don't know. You may end up in a revenue-neutral situation or it might get worse. Important questions she asks.

"The traditional volunteers and supporters deserve to be consulted about such radical changes" was the last point. You didn't consult the volunteers, the other donors, those who have donated, those who might want to donate. You haven't consulted them. You brought this bill into this Legislature unilaterally, without talking to anybody, without having any sense of whether you think

you're right or wrong. You just did it and you did it on the basis of having won an appeal that you initiated in 1996-97. You won the appeal, and then you changed the law. Good taxpayers of Ontario, it's dumb, don't you think? I think it is.

I think retroactivity, as my good colleague Mr Conway raised yesterday, is wrong, but doing something retroactively doesn't have to be wrong. It could be right, but in this case it's wrong and it's dumb. Normally when we win appeals, we say "God bless" and we move on. We move on to make that institution, in this case the McMichael Canadian Art Collection, a better one. We do our best as a government to make sure that happens. Yet you've initiated a whole troublesome direction of which you know not the result. The result could be detrimental to you, to the gallery and to the Ontario public. You don't know.

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You had a gallery that worked—yes, with the conflict of the McMichaels and its administrators which went on for 30 years, but do you think you've solved it with this bill? Do you think you've solved the questions that have been asked? I say to you, no.

Is this advisory committee appointed by Tory individuals—and, by the way, all the appointments are Tories. And, by the way, this government said it was going to be different, and they're all Tories. God bless the Tories for being different. But this group has to make the decision about what to do with those works of art that it has to get rid of. Are they going to dump these works of art into the market? Are they just going to dump them into the market and devalue works of art, which is potentially the case, which has happened before and could happen again if you do that? What are they going to do with the works of art? What happens to them? Under Bill 112, only those works of art that McMichael said should be included—Group of Seven and a few others named and aboriginal works of art—are the ones we can now, under this bill, hold or have. What happens to the rest of them, the 5,000 works of art?

By the way—and this point has been raised—these people have gotten a tax contribution for donating their works of art and unless those works of art have been held for 10 years by the gallery, they lose their tax credit. Nobody has raised this as a point, but they lose their tax credit if a work of art is disposed of before a 10-year period. As a matter of raising another question, is it right to do that? Those people, quite willingly and happily, donated a work of art and you folks now say, "Sorry, we've got to give it back or give it away or dump it on the market to be sold."

There's no legislative wording, nothing within this framework, that says, "This is how these works of art will be disposed of." Nothing. There's no guidance.

I'm not even sure some of the people we appointed have the experience or knowledge or art background to be able to make the right decision as to what to do with the works of art, or at least what is good art, because the people you're appointing—the only credentials they need



to have is that they're Tories, Conservatives. That's all. And they've got to have a few bucks, by the way. They've got to have a few bucks; otherwise, they won't get appointed. But is simply having money a sufficient criterion to put them on an advisory committee that is going to rule as to what works of art are acceptable or not? Dumb, don't you think, you taxpayers of Ontario? I think it is.

The problem with these bills is that they get presented in a hurry. They're usually drafted in a hurry. Very little thought goes into these bills. That's why these bills are usually full of problems that need to be corrected by other bills, to correct the problems that are in these bills that they haven't vetted very carefully, because they haven't consulted very carefully with the public or the people involved. Usually they make mistakes. So they're introduced and, where they think that the bills they introduce have great public support, they have hearings for a couple of days—not weeks, as we used to do when we were in government, but a couple of days.

**Hon Mrs Johns:** You were perfect.

**Mr Marchese:** No, Ms Johns, I don't say we were perfect. I say we were consulting. I say we were engaged in a democratic process of involvement, because democracy means that you involve its citizenry. That's really what democracy is. You people are not consulting anybody. These bills don't go out for debate. They're hardly debated here except for a day or two or three, and then you don't even have the accountability kind of framework to be able to take it out to committee and then take it out for debate to the public for more than just one afternoon, for more than just one day, as you do with most bills.

How is the public to know what is contained in your bills? Some 99.9% or more of the public doesn't read bills. Why would they? Ninety-nine per cent of the public has no clue what is contained in these bills, and then they have to live with your propaganda that you sell to the public using taxpayers' dollars to manufacture consent. How do you expect the public to be knowledgeable about what you're doing or involved? You don't, because you spend their money to convince them that what you're doing is right.

Ms Johns, you spend my money, the taxpayers' money, the people that you think are on your side, to convince them that all these bills are right. You've got the machinery of the state to do what you like. M. Harris said today in question period something to the effect—I'm paraphrasing—"No. The kinds of dollars we're spending for public relations is above-board, is clean. It's just for the purposes of information. Good god, we Tories wouldn't publish anything that doesn't simply contain information. It's non-partisan, you understand."

He had such a serious face. Did you see him, Speaker? He was so serious today when he said that. I cracked up. I was cracking up, but controllably, because I didn't want to take away our time from our caucus. As you know, we could lose a question. We only have four questions here—the Liberals have six—and if you cause a

commotion on this side of the House, you end up losing a question. So I cracked up, but silently, laughing at the Premier in terms of his remarks. He was cloaked in oil and said it comfortably, without any compunction about what he said. I couldn't believe it.

He says, "Oh, no, nothing we publish here is partisan." And he adds, "We spend less than any other previous government on public relations." He says that; with a straight face he says that. I'm convinced you fine seniors over there, taxpayers, think that the Premier is right and honest and decent in all the things that he does and says. I'm convinced you believe him. How would you think differently? I wouldn't be able to know the difference. It's either a question—I speak to you directly—of believing the Premier or believing the opposition, because you have no way of knowing any differently.

I read to you, because you were here in the beginning, the historical analysis of what happened from 1965 to the present moment, so you might have gotten a fine sense of what happened. But if you weren't sitting here today listening to these things, how would you know the difference between what we're saying and what this minister has said or what the Premier said? You wouldn't know. So you've got to believe them. They're using your money, your taxpayers' money, to manufacture an opinion or to manufacture a belief as to what it is they are saying with respect to any of the bills they pass.

I have to tell you, I am profoundly worried about where our democracy is heading under this government when they can use millions and millions of dollars of the state's money, the apparatus of the state, to convince me and you differently of what we might believe or to convince you of what it is they want you to believe, and you have no way of fighting back. None. That's what I find profoundly worrisome about what this government is doing.

For me, having an active citizenry is important. It's how it holds me accountable; it's how it holds them accountable. As much as they use this word "accountability," they don't do anything in this House to make sure they hold themselves accountable. How do you hold yourself accountable as a politician? There aren't too many ways.

You could put one of them in a straitjacket but that wouldn't help. The only way to hold politicians accountable is for them to present their bills in this House with adequate debate, without moving closure motions every other moment; and after there has been plenty of debate in this House, if they haven't consulted the public first, what they need to do to hold themselves accountable is that they've got to take these bills out to the Ontario electorate for them to have an opportunity to get hold of the bill, to read it and, for themselves, decide whether this government is right or wrong. Minister, what are you shaking your head about?

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**Hon Mrs Johns:** You should be talking about the McMichael.

**Mr Marchese:** Good taxpayers of Ontario, she said I should be talking about the McMichael. Am I talking about spinach or carrots? What is it I'm talking about?

**Hon Mrs Johns:** You're talking about process.

**Mr Marchese:** Isn't that connected to what we're doing? Good taxpayers of Ontario, what I'm talking about in terms of the political process, the democratic process that permits you to hold them accountable, is not part of the McMichael art collection? I don't know, Ms Johns; sometimes I worry about you folks out there.

She laughs. I wish I could laugh as heartily in opposition as she does in government. My laughter is out of tears and desperation at my inability to do anything to control that laughter. I'd love to be able to laugh that way, but in opposition you don't have that luxury. Our laughter is tragic laughter. It isn't laughter of a nature that says, "I am happy in this place"; it's laughter that says, "Good God, how can Harris stand up there and say that when he spends millions and millions and millions of your dollars, it's not partisan?" You want to laugh with joy, but you can't; it's tragic that the Premier could stand up and say stupidities of that kind. You want to just explode with laughter. But it isn't laughter of contentment; it's laughter of desperation. It reflects—

**Mrs Brenda Elliott (Guelph-Wellington):** Spend, spend, spend.

**Mr Marchese:** "Spend and spend," this other former minister says. Talk about spend and spend. Let me take a sip of water and then get back to you in a second.

The government members have helped to restore some of the pepper that I've got to find inside, deep inside, because the voice isn't helping, but I'm finding it. This former minister says, "Spend and spend."

*Interjection.*

**Mr Marchese:** Give me a chance to explain. Give me a couple of seconds.

**Hon Mrs Johns:** You've got seven minutes.

**Mr Marchese:** OK. I've got seven minutes. All right.

You, David, you personally—

*Interjection.*

**Mr Marchese:** No, no, you're a member of this government and you personally have a hand in this. You give away \$1 billion so that we can get \$200 in our pockets. The Premier just said yesterday, "It's my money; it's your money. You should have the \$200"—it's \$1 billion just thrown away, just gone. The former Minister of the Environment says, "You," the NDP, "just spend, spend and spend," yet this government has \$5 billion of my money to give away to the corporate sector. Do you see how tragic it is? Do you see me laughing with joy when I say that? These people have given \$7 billion in income tax cuts, they announced in the last budget \$5 billion in income tax cuts to the corporate sector, and this former Minister of the Environment said we New Democrats wasted money and threw money away. What is \$1 billion to give me \$200 in my pocket if not waste, and egregious waste?

If only 30% of the public could watch these debates, they would have a fairly good sense of what we're

dealing with in this place. I tell you, my laughter is tragic; theirs is laughter of mockery. They mock us. That's why it hurts, because we are disabled, as opposition members, from doing very much, completely rendered disabled. We ask questions; they never answer them. They never answer questions. We debate bills for a couple of days; they move closure soon after. We say we need a couple of weeks of debate to take the bills out to Ontario; they say, "We'll give you an afternoon." That is the extent of democracy in Ontario.

The Minister of Citizenship says, "Discuss the McMichael. Process has nothing to do with this"? Process has everything to do with this; it's very much interconnected. You people changed the law. You went back to a 1965 law and changed the terms, even, to give the McMichaels what they never had. I think the McMichaels have been very well remunerated. We have thanked them forever, we thank them eternally, but for your government to retroactively go back and put into law what was never put into law in 1965 is dumb. It's dumb politics. It's dumb governance. It's dumb, dumb governance.

Those five people will now have to dispose of 5,000 works of art or more, and you don't even know what they're going to do with it. You don't even know what liabilities you have as a government or that the McMichaels will have once you pass this. If those works of art are dumped into the marketplace, it will devalue works of art in general, and that's not good for artists. You know that. Artists only earn \$12,000 on average in terms of the work they produce—\$12,000. Imagine, sending thousands of these works of art into the public to be sold. Imagine what would happen to those works of art. They would be devalued no end. To the artists it would have no value whatsoever, or very little value. To the donors who gave in all good conscience, what happens to them? How do you deal with those donors who have given, in good conscience, to the McMichaels? Are you going to say, "Send them back"? What about the tax receipt? Do they get it still, if they haven't been in possession for 10 years? What happens to that?

There are legal obligations that I think you have, and I don't see in the bill how you're going to deal with those obligations. You don't raise that. Not the minister, not the members who have spoken, and I suspect the members who will speak won't speak to this either. The people who have their two minutes after me, or their 20 minutes, should speak to why it is that you appealed Judge Grossi's decision in the first place. The people who speak after me should speak to the fact that once you won the appeal and spent millions of dollars on that appeal to defend the original agreement that has been made over the years, with all the changes of laws from 1965 to 1972 to 1982 to 1999—you should be able to tell me and explain why it is that after winning that appeal you would change the law again, change it in ways that I cannot comprehend, in ways that people who have written to us cannot comprehend, in ways that people



believe is a negative way, in a way that will not bring positive fruit to the McMichael art collection.

They're raising questions; we raise questions. We want a full debate on this. We need and deserve a debate. You didn't have to bring a bill into this place. We could have gone to other discussions, other issues that you think are important. Yet to be debating this bill after winning this appeal and after so much clarity in all of the laws that have been passed since 1965, to then confuse it with a new bill is poor, poor governance, poor administration, poor politics, dumb politics. For that, I think we need to take this bill out for discussion, for debate, so the citizenry will have the opportunity it never got before you introduced this bill.

I am convinced there are a lot of Ontarians who would want to participate, who would want to come to committee to depute, not just here in Toronto but beyond. It is your duty as government people, as politicians, to make yourselves accountable. The only way politicians can hold themselves accountable in this place is to make sure bills are taken out for debate. There isn't much more you can do to hold yourself accountable, because people don't know what you're doing in here and often they don't know what you're doing in your own ridings.

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That's why I say to the public, you need to make us accountable on a daily basis, and the way to do so is to be informed, not to be convinced by this government that's spending millions of your dollars to manufacture a different kind of opinion that's suitable to itself and not right for Ontarians. I expect that of this government, and I expect we will see hearings. We will be participating in them, and I look forward to the response.

**The Acting Speaker:** Questions or comments?

**Hon Mrs Johns:** I have been asked a couple of questions over the last couple of days which I would like to respond to.

Both the Liberal and the NDP speakers have basically talked about how the government is meddling in a situation of a crown corporation or an agency close to the government. Let me say that change has to happen all the time to be able to keep things going as a going concern, to make sure that things happen. We know the system isn't working now because we know that the agency needs more money. They didn't know exactly how much.

But let me say to you that the original mandate, as the member opposite has pointed out, has changed. The original intent of the bill changed as a result of some work that was done by governments in 1989. In fact, what happened in 1989 was that the government of the day—which happened to be Liberal at that time—reneged on the original deal with the McMichaels and set in motion an eventual court challenge, and that's what happened.

When you talk about the court challenge being a Conservative court challenge, let's be very fair about that. The Liberals reneged on the deal, and because of that, the McMichaels took the government to court.

Because we became government, we then had the obligation to follow through on that court case.

The lower court decision in November 1996 was appealed because art acquisitions would be subject to legal challenges. We challenged the original court decision because we didn't want the question of "What is art?" left to a judge, just as we do not want "What is art?" left to politicians.

I want to remind you that the judge at the time said that the honour of the crown is engaged in these proceedings. It accepted a gift it was under no obligation to receive. The conditions accompanying the gift were not onerous, yet previous governments have changed that. We're going back because we made a promise and we should keep a promise.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I congratulate the member from Trinity-Spadina for his speech and I think he's essentially right in his charge. In the last 24 hours, I have been talking to people who are very closely associated with the minister's department, with the McMichael gallery. All of these people in the last few years—they are horrified about this bill, absolutely horrified. Their argument is the basic argument: this bill is beyond all reasonable measure for the kinds of problems the minister says she has. This bill represents an absolute outrage against the hundreds of donors who have made contributions, mostly tax-supported, between 1965 and the year 2000 to that public institution.

I think any self-respecting Legislature has to be deeply concerned about this kind of legislation. I said yesterday, how did this bill get through cabinet? I think I've found out in the last 12 hours. This bill probably didn't get to cabinet. In fairness to our friend the minister, she had little or nothing to do with it. This work, apparently, is the handiwork of the Premier's office.

I don't know whether that's true, but I'm hearing it from pretty authoritative sources. People who are very sympathetic and well-disposed to the Harris government are outraged by this bill. They are outraged. If this thing gets as far as committee—I'm hoping it's withdrawn—then I'm going to want to hear from some of these people.

I repeat: look at this bill. The minister is right to say she may have problems that are administrative and financial. If that be the truth, she does not need the instruments contained in Bill 112. Marchese is right. This bill is a grotesque breach of faith with those people by the hundreds who made those donations between 1965 and the year 2000. To that extent, it is immoral and should be rejected by this Legislature.

**Ms Frances Lankin (Beaches-East York):** I appreciate the remarks of my colleague from Trinity-Spadina. I think there is something very serious to be concerned about contained within this bill. My colleague from Renfrew talked about the effect this will have and the breach of trust with the hundreds and hundreds of donors. I want to suggest to you that there is also an issue about how we structure tax receipts for public gifts and

what it means. The McMichael—the very generous gift that was made—has over the years come with some incredible strings attached, and there is a chill in the arts community.

Minister, I hope you understand that there isn't an ideological debate going on here. There is a question about whether or not, when we accept a gift from the public and we compensate with tax relief for that gift, we continue to allow individuals to have artistic control over the future direction. That is what is going on in terms of this debate with the McMichaels. I believe that all of us want to see the continuation of the incredible focus on the works of the Group of Seven. But what has happened over the years has been an opportunity to bring contemporary Canadian works to a central focus, to a Canadian gallery that is renowned.

The way in which we are allowing the vision of an individual, who gave away and received compensation for giving away those gifts, to continue to control the direction on their own artistic decision-making, as opposed to a broader group from the artistic community having an opportunity to direct the future and continue to bring a centre of excellence for Canadians to attend to see good Canadian works—I am very dismayed by what I'm hearing from people in the arts community, people involved on the board over the years, about the continuation of interference by the direct donors, and in this case by a government whose about-face is stunning. I can only believe that my friend from Renfrew is right: this has been directed from the Premier's office. I hope the minister at some point finds a way to convince him to withdraw.

**Mrs Elliott:** I couldn't disagree more with my colleagues across the way from the Liberals and the NDP. I listened closely to the comments, particularly from the Liberal member yesterday, and I disagree entirely with his premise, which seemed to be that changing the function of a crown agency was not in the purview of the government. In fact an arm's-length agency responsible to the minister, responsible to the crown—surely it's the function of government to respond to needed changes. How this bill is slightly different in some of the changes that would have occurred or would have been brought forward to the House with regard to an arm's-length agency or crown agency is that in this particular instance we are returning to the original mandate that was given to the McMichael collection and that was the original intent of the whole institution.

I quote paragraph 2 of section 1.1 from the bill that is before the House right now: "The art collection, now known as the McMichael Canadian Art Collection, was to display distinctively Canadian art reflecting the cultural heritage of Canada and the images and the spirit of the nation, focusing on those artists known as the Group of Seven and their contemporaries." This is about working to restore a trust, working to restore the intent of a project, of a labour of love. The crown became involved in the formalization of the process, and this is going back to the mandate, trying to restore financial

health to an institution that has obviously been struggling. I think this bill is most appropriate in the best interests of the people of Ontario and in preserving the cultural integrity of this particular institution. I think it is significant in that it is unique, as is the very institution to which it is addressed.

**The Acting Speaker:** Response?

**Mr Marchese:** It's not a happy response, Speaker. What I hear from the government is pitiful. It's like these poor members have to try to fit a square into a circle or a circle into a square. It's just pitiful to hear them trying to make arguments in defence of this bill. What is it exactly that they're responding to? The minister said in the comments she made yesterday, "Few doubt that the McMichael collection has lost its direction over the last few years." What is she talking about? What direction?

We had the agreement of 1965 and, yes, laws have been made ever since. No one doubts that governments should be involved. They've been involved since the beginning. In 1972 they made changes, and McMichael was part of that. In 1982 the government—your government—made changes, and McMichael was part of that. In 1989, we made changes. Of course governments are involved.

But the dumb thing that you people did was that you went back to 1965 and added some. You undid. The whole thing has been undone by you people. You didn't have to. You had a good institution that was modern, had modernized, included Canadian contemporaries in a way that we think is fit for our artists.

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What the hell are you people doing? You don't know what you're doing. So you poor people, you poor members of Parliament, have to put up some stupid, lame defence for this bill to defend this Premier who has come up with a decision on his own, after meeting with the McMichaels, that somehow he's got to bring in a law to restore and add to the original 1965 agreement. Speak up. It's dumb. These people are not very intelligent in their governance. I hope the people of Ontario will see that as they take this out for debate.

**The Acting Speaker:** Further debate?

**Mr Tilson:** I would like to speak to the House for some time with respect to Bill 112.

All of us know—and if we don't know, we should—what the McMichael gallery is. It's in Kleinburg. It's had a reputation of honouring the Group of Seven and artists of that genre. What happened since 1965 is that there developed through time—and the last speaker, the member from Trinity-Spadina, referred to it. I don't profess to be a connoisseur of art, but I do know, having read the news clippings and the papers, that there was clearly a battle that developed between supporters of two different types of art, contemporary art versus that of the McMichael gallery, and that was alluded to by the last speaker.

Clearly, if you go back and look at the history of how the McMichael gallery got started, the McMichaels



didn't walk in with contemporary art to set up this gallery.

**Mr Marchese:** Yes, they did.

**Mr Tilson:** They did not. The member from Trinity-Spadina was having his final shot as he left, but that is not what they did. They wanted to preserve, they wanted to enshrine something in this country that we're proud of. Members of the opposition who have spoken in the past have said—I heard one of the members of the New Democratic caucus just a few minutes ago heckle, "Oh, you're going to put this into a time capsule." That isn't the intent.

There are galleries all over the world that specialize in certain types of art. There's the Musée d'Orsay in Paris, which concentrates on the artistic creations of the western world between 1848 and 1914. That's all it does. It doesn't get into other things. There's the Musée National Picasso, which is also in Paris, which prides itself on being the largest and most complete collection in the world for getting to know this painter. There's the Van Gogh Museum in Amsterdam, which attracts art lovers from around the world with its priceless collection of works by Vincent van Gogh. There's the Norman Rockwell Museum in Stockbridge, Massachusetts, which takes pride in presenting works of art that help to define the American identity through the 20th century. I could go on. So this isn't unusual.

The McMichaels came to the government of Ontario, they spoke to the Premier of the day, John Robarts, and they said what they wanted to do. They wanted to develop a gallery that emphasized that type of painting, something that we as Canadians are proud of, and God bless them.

We go through what happened in the 1980s, what happened with the Peterson government in 1989 and what's happened since, and the battle—and clearly there was a battle. The Liberal critic stood in her place yesterday and read a bunch of letters saying how terrible what the government was doing was, that it was getting away from the new philosophy of the McMichael gallery.

I can tell you that that isn't the way it was in the 1960s, that isn't the way it was in the 1970s. Something happened. It changed. That wasn't the philosophy of the McMichaels, as to why they went out of their way to start that type of art gallery. What's wrong with their doing that? What's wrong with preserving some of the greatest artists this country has ever seen and may indeed ever see? What's wrong with doing that?

Our opponents in the Liberal and NDP benches will say, "What's wrong with bringing in contemporary art?" One thing was, it darned near put the gallery in bankruptcy. We had a Provincial Auditor go in this year and it said there's a deficit of \$1.6 million. That's one thing. Revenues are down, attendance is down. I'm not competent enough to start debating what type of art is better than another type of art, but I am competent to say that something was terribly wrong. There are statistics out that showed when the Group of Seven and its genre was in its heyday there was a far better attendance. Now you

drive into the grounds of the McMichael gallery and see something—I don't profess to understand it. It's called Babylon. Some of the supporters of the McMichaels and people who support the philosophy they put forward are just horrified. That isn't the philosophy that was put forward in 1965.

This basic purpose of this bill, Bill 112, is to repeal the 1989 philosophy that was put forward by David Peterson and his political party. It's being revoked. We believe on this side that that legislation violated the terms under which Bob and Signe McMichael gave their invaluable Group of Seven collection to the province. Essentially, it made the director all-powerful in acquisitions, and it was at that point in time that the philosophy changed.

I don't intend to get into the argument as to whether contemporary art is better than some other type of art. I have no intention of getting into that. I am saying that the original intent of setting up the McMichael gallery clearly isn't where it is now. My friends from the opposition start talking about what has been acquired since then, and that may be a point for debate. But I will say that the original intent of the McMichael gallery—they named it after them, for heaven's sake. They named the gallery after the McMichaels. It was their property, and clearly the acquisition has grown since then.

That's the purpose of the legislation; in other words, to preserve the Group of Seven and to showcase in Ontario and indeed Canada the Group of Seven and that type of art. I've listed off other galleries around the world that do that, and quite frankly, I'm proud as a Canadian to see that type of gallery.

Another reason this legislation is being brought forward—and I expect this will provoke particularly the Liberal caucus—the purpose of it, is to honour the commitment of the province of Ontario and return the McMichael gallery to its original mandate. I believe that changed in 1989 and we're trying to rectify that.

We stand in our place on all sides of the House and start saying that members of the public should make donations to hospitals, to charities, to art galleries, to whatever. We need those donations, and people do that for different reasons. They do it to preserve things, they do it out of charity, they do it out of need, they do it for all kinds of reasons. Some have no conditions whatsoever, but some do. The McMichaels had a condition, to preserve the heritage and the style of painting that was put forward by the Group of Seven. Somewhere along the line—I submit 1989—that stopped.

1630

**Ms Lankin:** It's still being done.

**Mr Tilson:** Well, then how come we have all this contemporary art that we didn't have prior to that time? The whole philosophy of the gallery has changed. If members on the opposite side don't admit that, there's something wrong, because the whole philosophy of the gallery has changed. It's not the same type of gallery it was. The members may say, "Oh, but it's better." I'm not going to get into that either, although I will say that something went wrong, because somehow we have a

\$1.6-million deficit. Somehow the philosophy is different from what the McMichaels originally intended. The legislation intends to deal with that.

Yes, the government of Ontario is concerned about the \$1.6-million deficit—it's a crown corporation—and intends to deal with that. Revenues are down. People have stopped visiting the gallery. I don't know why. I suspect it's because the philosophy of the gallery hasn't gone the way the public wants. We can talk about art, we can talk about business and we can talk about a whole slew of things, but the point is that the way the gallery was going, it was going to go bankrupt. Something has to be done.

The government also intends to make repairs to the facility. Other government speakers, the minister and the parliamentary assistant, have spoken to that. They've also spoken about getting rid of the unnecessary bureaucracy. I think the people who ran the gallery when it first started was something like 16 and it's mushroomed today to 50. Maybe it's gotten bigger. The point is that there does appear to be more bureaucracy than is needed. That may be debated. Maybe someone's going to stand up from the opposite side and say, "You need all that bureaucracy." The salaries that were being paid—the salary of the former director I think was \$112,000, which is more than what ministers in this place make. The opposition may have fun with that one too. I don't know. Does the director of the gallery require a salary of \$112,000? It was somewhere in that range. The gallery was going into decline and we intend to rectify that problem.

Mr McMichael has written a wonderful book. It's called *One Man's Obsession*. It talks about the history of the McMichael gallery. Obviously it's a personal account of the McMichaels and their involvement in the art world. It's got some wonderful personal accounts of Canadian artists, the Group of Seven. It's the story of two great Canadians, and I'd recommend it.

I want to talk about the intent of how the gallery started, because everybody seems to be forgetting about that. Mr McMichael, in his book, refers to that. He talks about a conversation he had with the late Premier John Robarts. He said at page 150:

"Over several years, Signe and I have built this place and the collection of some of Canada's finest national art. It may seem an unusual idea for a public art gallery, but that's the way we have always thought of it: a centre for distinctively Canadian art and heritage in an equally distinctive Canadian building and setting. The area is rural but close to the centres of population and main highways. It is a short drive from the city, but has no parking or pollution problems. It's beautiful, but it's also practical. We believe it could become a major centre of Canadian culture everyone could enjoy as much as we do.

"Signe and I want to give the land, buildings and collection to the people of Ontario and Canada. We have only one major stipulation and a few other provisions. The major one is an absolute assurance that Tapawingo—which is what they called it—"will be maintained in the future, and the grounds and the buildings

and the collection will retain the spirit we have set for all time."

"The collection will retain the spirit we have set for all time." That was the deal. That's why they did it. They wanted to enshrine the philosophy, the type of art, of the Group of Seven and that genre, and that has changed. That has changed to the degree that the McMichael gallery is on the edge of bankruptcy. When you look at the agreement which was made by the province and which is quoted in the book—because he goes through how all this started, how he entered into an agreement with the province, and his conversations with the then Premier and other politicians of the day. He refers specifically to section 13:

"The crown shall, with the advice and assistance of Robert McMichael and Signe McMichael, establish, develop and maintain in perpetuity at Tapawingo a collection of art reflecting the cultural heritage of Canada; the said collection shall be known as the 'McMichael Conservation Collection of Art,' and shall be comprised of paintings by Tom Thomson, Emily Carr, David Milne, A.Y. Jackson, Lawren Harris, A.J. Casson, Frederick Varley, Arthur Lismer, J.E.H. MacDonald, Franklin Carmichael and other artists as designated by the advisory committee who have made contributions to the development of Canadian art."

Somewhere along the line, in 1989 specifically, that changed the direction and that's what happened. That's why the whole philosophy of the McMichael gallery changed. This bill is going to correct that.

Mr McMichael, in his book, says:

"The clear intent of this section was to limit the scope of the collection for all time to the artists named, with provision for the addition of a few others whom the advisory committee might decide were complementary to the original group and whose work had been produced mainly during the first half of the twentieth century. We also intended to include, at a later date, the art of our aboriginal peoples, the Indians and Inuit, whose work we considered to be basic to our theme"—and I emphasize the words "to our theme."

That's why he did it. He wasn't setting up for the type of dowry that's envisioned by the opposition; he was setting up a very specific gallery. "We agreed to include the right to designate other artists beyond those named because the collection did not, at the time, own works by three of the Group of Seven and other very closely related painters."

On all sides we could read letters, we could read editorials; there's been a wonderful battle going on between the contemporary art and the art that this gallery originally put forward. I think it's quite clear that you go back—and you know, you can talk to whoever you want to talk to, but this book tells you why it was set up.

For all of you who are going to stand up in the House and say how terrible it is, how obnoxious it is that it's changed, what they're proposing wasn't the original intent and why this gallery was set up. There are other galleries for contemporary art. I think contemporary art is



important. We all have an interest in all kinds of art. I say, what's wrong with what the McMichaels did? In fact, I find what some members have said about the McMichaels very offensive, because they have made a major contribution to the art world, to this country, to this province. I think it's shameful the way certain members of this House said some very derogatory things about those two people. However, that's what politics is all about, unfortunately.

I intend to simply conclude that, as was said in a press release by Minister Johns, we're trying to right a wrong. I don't if those are the exact words, but it's pretty close.

1640

We're trying to right a wrong; we're trying to correct something that's gone askew in the art world in this province and this country. It's the only art gallery the province of Ontario owns, a crown corporation. We took this on in 1965. I think that was the date of the agreement, and I think it was finalized in 1966. I could be wrong, but it was the mid-1960s. We should honour our commitment to the McMichaels and to that type of art.

I would encourage all those in the House, particularly the opposition, to reconsider some of their opposition to this bill and I would encourage them to support the philosophy of Bill 112 and the philosophy of the McMichaels and the major contribution that they have made to this province.

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** Notwithstanding the honourable member's attempt to mount a defence of this legislation with an historical perspective, I'm still absolutely bemused by this government presenting this bill. First of all, I'm bemused by the fact that, again, setting aside earlier histories that the honourable member has talked about, the most recent history on the McMichael gallery is for this very government to have gone to court in order to defend the right of the board to make current decisions about what is within the mandate and the vision of the McMichael gallery. The government won. And now we have a piece of legislation which is essentially reversing the very case that the government won in court. That's one reason for being totally bemused by this legislation coming forward.

The second reason that I'm amazed by this is because I actually don't think that there is any disagreement in the House about the importance of the McMichael gallery. Whatever opposition we are offering to this particular legislation, I want to make it clear I happen to consider the McMichael gallery to be one of the most important galleries in the country, if not, in my view, the most important gallery because it is a showcase for Canadian art. I've often wished that every schoolchild in Ontario, in fact in Canada—I'm not realistic of course—could tour the McMichael gallery because it gives such a wonderful sense of Canada. It is a showcase for Canadian art and therefore for Canada itself.

But I think the Group of Seven themselves and the landscape artists of that period of 1920 to 1930 would be the first to decry any intention to freeze the showcasing of Canadian art to be contained within the decade of

1920 to 1930. They were pioneers. They were breaking new ground. They wanted to open up Canadian art to new styles and new approaches. It's because they were successful in doing that that we admire them so much. That's why I think it is totally contrary to the whole intent of the Group of Seven that this legislation would be in front of us.

Finally, with chaos in emergency rooms, turmoil in schools, people afraid to drink their water, I'm not sure why we're spending an entire week on this legislation.

**Ms Lankin:** I appreciate the comments of the member for Dufferin-Peel. I think he has a particular constituent relationship with this gallery and with some of the people who have been involved with it. I think his remarks are important and that they add value to our understanding of the bill.

But I have to say again that this is not an ideological debate. I believe that over time previous governments came to a determination with respect to the future of that gallery, through the advice of boards that had been brought together, the best people who could be found, that it was in the spirit of showcasing groundbreaking Canadian art to continue to do that. That doesn't take away from the collection that is there and that will continue to be showcased. It has been such an incredible gift to the people for that to be open for us to see.

I agree with my friend from Thunder Bay that it would be wonderful if every schoolchild could visit this gallery and could see it. But to freeze in time that collection and the contemporary aboriginal collection of that time is something that is worthy of a public debate, not to be rammed through and not to be shrouded in the comments—and I have to say to the member for Dufferin-Peel, I don't believe I've said anything derogatory about the McMichaels; I believe that I pay tribute to them. But I do believe it is wrong when donors who are compensated for that donation attempt, and continue to attempt, to control all future destiny with respect to that, and in this bill not just in their lifetime but in perpetuity by being able to name their successors to the board.

I believe they should have influence, and they always have. I believe they should be part of the creative debate and discussion, and they always will be. I do not believe they should control the direction. I think there is a form of censorship there that is dangerous in the form of donation of artwork.

**Mr Brad Clark (Stoney Creek):** It's a little bit baffling for me. I have about 12 years of experience in the charitable and cultural sector and in that time I've raised tens of millions of dollars and I've seen, many times, donors make a bequest, make a donation to a charitable organization and with it comes conditions, with it comes terms. I've seen many donor agreements and during that time frame I have staunchly supported the integrity of those donor agreements. It is imperative. As far as I'm concerned, there is nothing more sacrosanct, more precious, than honouring the commitment of a donor to any charity, to any art gallery in Canada. All of my col-

leagues in the charitable community used to pride themselves on honouring those things. There were codes of ethics involved.

In this case, somewhere along the line you had a board of directors that started to veer from that course. The original donor agreement was not being adhered to and we find ourselves in a situation now where we have pros and cons, supporters on either side, saying it should be wide open, saying it should be just for the Group of Seven.

I have to argue we go back to the beginning, we go back to the original donor. I have to believe that we have an obligation to do that—a fiduciary responsibility to the donors who made this gallery, a responsibility, an opportunity for the province of Ontario.

I have to say also that any of the other donations that come in, we have to work with those donors and the board of directors must work with them to make sure that those artworks, those donations, are divested appropriately to other art galleries, to other charities.

With all of that being said, we must maintain the original agreement.

**Mr Mario Sergio (York West):** Just to comment on the presentation by the member from Dufferin-Peel-Wellington-Grey, I think he has said very clearly what's not in the bill, what's not in writing in the bill. I think what he's saying on behalf of the government and the minister, Minister Johns, and the Premier—he's saying, "Really, we don't like all the other paintings that are now in the McMichael collection which have been collected over the years," which people have donated and with which they tried to honour not only the gallery itself but also the province of Ontario. I have to agree with the member wholeheartedly that it's a great honour, it's a privilege. It is great for our country, for Canada, for Ontario, for Toronto to have the McMichael collection where it is. I think it's a wonderful location.

But it is not very honourable for this government to have taken Mr McMichael to court in September 1997 on exactly the same point that they are bringing to this legislation today to reverse that court decision. I think it's totally a flip-flop, to be kind to Mr Harris. Why would they bring in today legislation to try and overturn what the Ontario Court of Appeal decided in September 1997? I think the member has said very clearly, "We want to go back to the original roots," which were the McMichael collection, the collection of Seven. They are saying there are other galleries in which to put the rest of the paintings or whatever we have in there.

I think this is totally wrong. I think the government will be forced to go back, to retrieve this bill from its roots, because it is wrong. I think the people of Ontario will never forgive the province of Ontario, this government and this Premier for introducing this bill and saying to all the other donors or contributors, "Get out of the McMichael gallery. Take them somewhere else; they don't belong here."

It's not an honourable thing for the province of Ontario.

**The Acting Speaker (Mr Michael A. Brown):** Response?

**Mr Tilson:** To the member for York West, the government has never been critical of the type of art that you refer to. That's not what's at debate in this House. No one on this side, in the press clippings and interviews and debates in this House, has ever criticized the type of art that you're speaking of. What the government is saying is that type of art was never intended to be in this gallery. Somewhere along the line it got in here. Maybe that was the cause of the lack of attendance; I don't know. But I certainly want to make that perfectly clear.

1650

There's no question that the original intent of this gallery was for a specific purpose. I refer again to Mr McMichael's book, where he quotes almost in its entirety the speech made by the then Premier, John Robarts, at the opening, the ribbon-cutting, of the McMichael gallery. Just one sentence: "The establishment of the McMichael conservation collection of art may very well inspire the creation of similar galleries and treasuries of Canadiana elsewhere in this province and nation." In other words, this is a gallery of specific intent, not the broad tenure that developed after the 1989 legislation of then-Premier Peterson. We want to return to that.

As far as donors are concerned, I again emphasize, if there are people like Mr and Mrs McMichael who want to form a similar type of gallery for a specific intent, if we didn't pass this legislation they wouldn't do it because they know the province of Ontario's word couldn't be kept, and we're going to keep our word.

**The Acting Speaker:** Further debate?

**Mr Michael Gravelle (Thunder Bay-Superior North):** I'd like to also, as I say, share my time with the member for Windsor West. If I may say before beginning my remarks, one of the most important elements in terms of arts policy in our province—and everybody should support this—is the importance of the separation, the arm's-length agreement between arts organizations and government. Government should not be in the business, in any sense, of making a determination of what is appropriate or not appropriate to go into an art collection. That's what we've heard a defence of today. The member for Dufferin-Peel-Wellington-Grey in essence was talking somewhat favourably in terms of censorship of pieces of art that perhaps he didn't approve of. That I find very offensive.

What I will say is that during the 36th Parliament, from 1995 to 1999, I had the honour and privilege of being the critic for culture and heritage for the Liberal Party. It was a wonderful experience that brought me close to the people who work hard and passionately to bring arts and cultural opportunities into communities right across Ontario. It also brought me close to the issues that strike at the heart of our arts and heritage sectors, things like the need for increased government respect for the arts, the importance of the arm's-length separation between arts organizations and government



and the absolute necessity for arts and education in our schools.

But of all the battles I fought, whether it was another attack by the government on the Ontario Arts Council, which was devastating, or a move to cut off provincial support to our public library partners, which we actually were successful in getting the bill withdrawn on, or continued government threats to privatize TVO, I think very few are as important as the battle we're fighting on this side of the House today.

Rarely have I seen a more calculated, destructive and regressive attack on the arts community than I am seeing today with Bill 112, An Act to amend the McMichael Canadian Art Collection Act. I join my colleagues, especially our hard-working critic for culture from Sarnia-Lambton, in urging this government to immediately withdraw this bill. I would ask the government, and I would in fact plead with the government, to please tell us who is benefiting from Bill 112. Certainly it's not the people of Ontario, who will lose access to nearly 3,000 pieces of art, nearly half of the McMichael Canadian Art Collection. It's not the board of trustees of the McMichael, whose hands are being shackled by this legislation that we're going forward with now. It's certainly not Vincent Varga, the new CEO of the McMichael Canadian Art Collection, who was on the job a mere two weeks before the government dropped Bill 112 on our laps. And it's not the hundreds and thousands of donors whose gifts will now be deemed non-conforming to the original focus of the gallery. Nor do I believe the Canadian art community is in any way benefiting from Bill 112.

The government can't answer who benefits, mostly because it simply is true they're proposing a legislative framework that defies precedent: a bill couched in the language of fiscal accountability and sentimental obligation that has been designed to benefit the McMichael family, Signe and Robert McMichael, and Premier Harris, in terms of controlling the decisions that are happening there.

As it happens, the beneficiary of that, Mr McMichael, is the original founder of the McMichael Canadian Art Collection, whose land and property and 150 pieces of art by members of the Group of Seven and select contemporaries were donated to the province in 1965. It was a remarkable contribution to this province. No one on this side of the House wishes to diminish Mr McMichael's extraordinary contribution. His gift and vision served as the basis by which the McMichael was guided in its formative years, and successive governments of all stripes have recognized, celebrated and paid tribute to his generosity.

But 35 years after the fact, this government is preparing to roll back the clock in a most extraordinary and unprecedented way. They are ignoring judicial history and rewriting the intention of the original 1965 agreement between Mr McMichael and the province. They are denying the intent of the 1972 bill that ushered in the gallery as a crown agency to be governed by a

board of trustees. They are oblivious to the intent of the 1982 amendments to the McMichael Canadian Art Collection Act which my colleague the member from Renfrew spoke about so passionately yesterday. They are even misrepresenting the intentions of the Bill Davis government, the Bill Davis Tories, by quoting only select excerpts from the debates of that time.

I would like to add, for the record, that the government's intention with Bill 175 at that time, as written by Mr Davis himself, was to "agree that the role of founder-director emeritus is an advisory one, and that an equally important objective is to clarify the full and unequivocal responsibility and authority of the board of trustees in pursuing the objectives of the gallery." Mostly this government is categorically rejecting the fact that both the Ontario court and the Supreme Court have rendered decisions, in 1997 and 1999 respectively, that rejected Mr McMichael's argument that he should have veto power over all aspects of the collection, including the policy of who ultimately decides what work shows and what work does not show. At stake in the Bill 112 debate is nothing less than the ability of an autonomous cultural institution to exist beyond a narrow, government-imposed definition of what constitutes Canadian art, period. It is not, as the government suggests, about addressing ongoing financial difficulties at the gallery.

I say to the government members that your Minister of Culture was already well aware of the financial situation at the McMichael prior to this bill's introduction. These are not new financial difficulties. These are difficulties that have arisen due to flattened and diminished support from the province, the difficulty with fundraising that has taken place as a result of the omnipresent threat of legal challenges hanging overhead and the need for immediate capital dollars to address long-standing facility deficiencies.

It's incredible to me, and I know to the entire arts and heritage community, that this government would suggest that the financial problems at the McMichael are a direct result of the gallery's collection policies, as has been suggested by various members. It's a ludicrous suggestion and a mere smokescreen for what is really intended by this legislation. I refer members to point 3 in the explanatory notes of the bill: "The board's powers to make bylaws and establish committees and its power to appoint or remove the director are made subject to the minister's approval until the day three years following royal assent to this bill." Any suggestion by this government that they are not interfering in the day-to-day operations of the gallery is shattered by this sweeping new power being granted to the Minister of Culture.

I refer members also to point 4 in the explanatory notes: "The board is required to establish an art advisory committee." The art advisory "committee will consist of Robert McMichael and Signe McMichael, the chair and vice-chair" and one other appointment from the board. "The art advisory committee will make recommendations to the board with respect to the acquisition and disposal of artworks.... The art advisory committee is also

empowered to designate the artists who have made contributions to the development of Canadian art."

This represents more than a disturbing chapter in the annals of Canadian art history. This is a fundamentally flawed precedent. It's a precedent that sweeps aside the role of the cultural professional in the operations of a gallery. It's a precedent that ignores the contributions of hundreds of other donors to the McMichael Canadian Art Collection whose tax-funded gifts may be deemed non-reflective of the Canadian cultural heritage. It's a precedent that suggests a serious breach in the role between philanthropist donors and the organizations that receive the benefit of their gifts. It's a precedent that threatens the artistic credibility of the cultural organizations and the art world at large.

It's a well-known fact that the Group of Seven are as united in the belief that "an art must grow and flower in the land before the country will be a real home for its people." I would suggest the same applies to our cultural institutions in this country.

1700

This bill does not help grow or flower anything. It does not build on the collective passions and contributions of past curators, including Michael Bell and the wonderful Barbara Tyler, whom I had the pleasure of meeting on several occasions. It does not honour the contributions made by other professional staff, trusting donors, boards of trustees, artists, volunteers and taxpayers, who over the 35-year history of the gallery have helped the McMichael Canadian Art Collection become a dynamic, engaging and interactive institution with representative works from a wide range of notable Canadian artists. It seeks only to limit, restrict and censor the kind of works Ontarians and the world will see on the walls of one of our country's best-loved and most respected art institutions. It effectively will turn the McMichael Canadian Art Collection into a private art gallery while continuing to fund it as if it were public.

I have an enormous difficulty on a personal level when someone has the power to dictate what I can and cannot see. I have even greater difficulty when someone attempts to tell me what qualifies as good art and justifies that as being a reason to deny me the opportunity to see what they consider to be bad art. The government should not make those decisions.

With the greatest respect to Mr McMichael, he has already made it clear in media reports that he intends to significantly reduce the existing collection. In fact, he has said that with the powers the government has divested to him through Bill 112 he will remove up to 3,000 pieces of artwork from the collection because they do not suit his taste. Where is the respect for the sensibility and imagination of the individual art lover in that?

I urge this government to withdraw Bill 112. It's very important that there be a clear understanding that this is extremely regressive. It must be withdrawn, and I pray and hope that members on the government side will understand that. I now defer to my colleague from Windsor West.

**Mrs Sandra Pupatello (Windsor West):** I just want to open with one quick question. I have to ask the government how we ended up coming back to the House after a three-month furlough to this gripping issue of the McMichael Canadian Art Collection Amendment Act. I want to ask you, were your phones ringing off the hook in Leeds-Grenville? Were the people calling you, Mr Minister, and saying, "Bob, run back to the House and talk about the McMichael gallery for me. This is important to me"? Not that the McMichael gallery isn't important; it certainly is. It's a wonderful tribute to a wonderful collection. Having been there in the terrific town of Kleinburg, I have the utmost respect for it.

I have to ask the government the question: Whose idea in the Premier's office was it that we spend the first two days back in the Legislature dealing with this piece of legislation? We have issues that are real life-and-death issues for the people, not just in Windsor West, but across the board in Ontario. The people of Ontario, through the Ontario government, only a couple of years ago spent our tax dollars defending themselves and winning in a court of law exactly the opposite of what is in this bill before the House today.

I ask these people in the House, why? Why did you spend our money, the tax dollars of the people who live on Marentette Avenue and Elsmere Avenue and Parent Avenue, on legal fees to win the case in court, only to bring this bill into the House now in a completely reversed position? Why did you do it? Is there any backbencher in this House today who can answer the question? Have any of you called the Premier's office to say, "What on earth were we doing?" That's a very polite question to ask. What on earth were you doing two years ago spending our money, only to arrive in here with this bill today? It is nonsensical to do that.

I talked in the House yesterday about Eva, who's 85 years old. Eva went to her family doctor and a recurring issue was a degenerative disc. She knows she's going to have surgery, which her CAT scan's already identified. In the wait she had to go to her neurosurgeon, she thought four months was a terribly long time. So did her daughter Nancy, when she took her to her neurosurgeon appointment four months later, only to discover that it was in the wrong year. Her appointment with the neurosurgeon isn't until next September, fully a year and four months away from when they tried to book the appointment in the first place.

My health critic here, Lyn McLeod, will attest that this is happening across the board to many, many people in the province of Ontario. That is a critical issue. Eva may well be in a wheelchair by the time she gets to the neurosurgeon for the consultation, never mind for the actual surgery that will be required.

And here I am at Queen's Park, after three months away, talking about the McMichael Canadian Art Collection Amendment Act. You should be embarrassed that we are doing this today. You should be embarrassed that you took the taxpayers' money to go to court on a case and you won the case, only to come back through



the Premier's office with this bill that is exactly the opposite. No one can understand why you've done it.

Wherever you are on the issue of the McMichael Gallery, I have to ask the question about the priorities of the government. In Essex county we have just spent the last several weeks with a portion of our county under a boil-water advisory, just like 100 other communities over the last three months have had to deal with. Do you not have a priority to provide clean water for the people of Ontario? My leader, Dalton McGuinty, asked the Premier today time and time again, "How long will it be before we get clean, safe drinking water in Ontario?" Instead, we're here in the afternoon, the second afternoon, the second day, after having been away for three months, and we're talking about the McMichael Canadian Art Collection Amendment Act.

That is infuriating, and not just for me. It's infuriating for Eva, who is 85 and demands to know why, after a lifetime of paying taxes to this government, she doesn't have a health system she can depend on; why, after a lifetime of paying taxes, she is waiting a year and four months for the consultation to see a neurosurgeon in my riding because we don't have enough doctors there. Why is it that the government can make announcement after announcement to attempt to deal with the shortage of doctors, so that we call the media and say, "Please remember this is just a reannouncement. The money hasn't actually flowed," that the number of spots that they've announced isn't nearly adequate, nor will it be.

Yesterday in this House that health minister stood on her feet and told us that she wasn't aware of what those wait lists were for radiation treatment. That was an outright—she was clearly confused. I remember that same health minister last year launching the worldwide search for radiologists. Do you remember that? They were going to scour the world to find the technicians so that we could clear the backlogs because people were waiting too long. You don't remember that? There are people in your riding who are waiting for treatment. So when our health critic stood and said that we're waiting seven months out of Princess Margaret for breast cancer patients to have radiation, which one of you in this House thinks that's acceptable?

Today, in the afternoon, on the second day of this House after being away three months, we're talking about the McMichael Canadian Art Collection Amendment Act. Do any of you see that there might be something wrong with that, that we have major health issues that mean the difference to people, that there are people who need to have the help, need to have some kind of guidance, need to have money funded in the right places?

Today in the House, when Dalton McGuinty was talking about health care and talking about emergency rooms, everyone on critical bypass, it's the same story that the Fleuelling inquest was about, and that happened a year and a half ago. I remember the health minister then saying, "We will not let this happen again" and making yet another reannouncement of something. Our health

critic made a list today of all the announcements to deal with the emergency crisis in Ontario, announcement after announcement after announcement, yet nothing has changed. It's worse.

All I can say is that this government has been here for five years. There is no time for you to blame previous governments, because you've had five years to make change. Eva instead is waiting a year and a half for an appointment just for consultation.

This bill is on the docket again for discussion on Thursday afternoon. We will have spent three full sessional days dealing with this bill of the McMichael art gallery when we are dealing with radiation treatment delays for people who have cancer and we are dealing with people who are in an ambulance who don't have a place for that ambulance to go, not just in the city of Toronto but in the nearby big city of Hamilton. They are all on critical bypass right now. Those people don't have a place to go.

How many other Fleuelling cases do we need to have for the government to call something, some kind of crisis meeting in the Premier's office to redress what it considers its priorities? I know what the priorities are for Windsor West. I know that those people insist on having good care. I can't imagine sitting here and watching our Premier in this House, with that smug look on his face, tell me, "If the member from Windsor West wants to answer the question." Not only do I want to answer the question; I want that entire front bench cleared out of here. I don't know how we're going to wait through three more years of smugness before we can go to the polls so the situations of people like Eva will never be repeated again in Ontario because a priority actually will be health care.

**1710**

I don't know what more example we have to bring to this House to say the priorities of this government are all screwed up than that you would take three days of the first week we are back to talk about this bill. Everything else the government has wanted to do they've done behind closed doors, through a regulation change, through order in council. You've done whatever you wanted as quickly as you wanted it. If you wanted this to happen for McMichael, you could have done it behind closed doors. You could have done it by order in council. You gave yourselves all the power in the world to do that. Instead, in this House we should be addressing real life-and-death issues, which I'm embarrassed to say is a part of Ontario culture today, because six people died in Walkerton under our watch, which I can't believe, one of those people being a two-year-old child. That makes it a priority that we should be discussing in this House.

If there's anything I can say to further this debate, it's get this off this docket. Don't bring this back into this House for a vote. It's insulting to the people of Ontario.

**The Acting Speaker:** Questions and comments?

**Ms Lankin:** In response to the member from Windsor West and the two presenters from the official opposition, I want to say that I understand and agree completely with

the passion and the frustration she expresses about the priorities of the government. We see this on a continuing basis. It is a travesty that we in this Legislature are not, at this point in time, focusing on issues like Walkerton, the crisis in health care and the impending confrontation in the education system, that those public issues are not getting full debate.

I disagree with her, however, when she says that a bill such as the McMichael bill should be pulled and that it's an insult. I think there are very important issues at stake in terms of the cultural sector here. It's a bill I disagree with the government bringing forward. There are significant problems when we see a large segment of the arts community very concerned about the principle of a donor. It's not respecting the initial desires of the donor or a lack of respect for that. I believe that has been respected and continues to be respected, even in how the gallery is operated today. It is allowing a donor, who has been compensated for that donation in a very generous way on the part of the people, and admittedly it was a very generous donation, to continue to have control and to essentially run it as though it were still a private collection. It is either a private collection or a public collection. I think there is an issue of importance to the arts community. There is an issue of importance in terms of an ongoing focus of Canadian art and the excellence of that gallery.

The member's frustration is well noted and is certainly a frustration I share. I wish all our bills could have the public attention that is required, and I wish this debate could be more meaningful in this place, because I suspect no one is listening on the other side.

**Mr John O'Toole (Durham):** I want to make sure I represent Minister Johns' intention with this very important piece of legislation from the perspective of re-establishing what existed. I think the bill addresses a specific situation in a specific institution. One would have to recognize there were financial concerns that kept recurring, and I believe the bill itself has no further implications.

But respectfully, if one looks at Canadian art history—and I would qualify myself as not knowing very much about the topic, except to say that each of us here has some relationship or vision of what the Group of Seven really represents from the perspective of maintaining our wonderful, beautiful province and country in the vision of an artist. I am very fortunate; I happen to have a couple of artist's proofs. I don't have any originals of the Group of Seven, but I'm somewhat familiar with them. I do want to be on record that my personalized licence plate says the Group of Seven. My kids gave it to me. I'm not an art aficionado, but there's one group that certainly relates to it, and I think it's A.J. Casson, Lawren Harris, A.Y. Jackson, Arthur Lismer, J.G. Macdonald and, of course, Varley, and there are other names that are thought to be close associates. A lot of people mistakenly refer to Tom Thomson as a member. Of course, he's not. I look at other Canadian artists who need to be celebrated

as well. This summer I met Alex Colville from Wolfville, Nova Scotia.

I think this is a precious gift and legacy that's been left to this province. I believe that serious questions have been raised over the last number of years, and one should know that the litigation issues that came up, came up in the times of other governments. So I think the minister has a specific issue and, I believe, a specific solution.

**Mr Sergio:** I think our colleague, the member for Thunder Bay-Superior North, described the content of the bill extremely well and brought to this House more knowledge as to the real content of the bill. I have to agree totally with his content and his knowledge.

I think the member for Windsor West is quite right when she says this bill shouldn't be here, shouldn't belong in the House. I think that as usual the government—the minister, the Premier—does it behind closed doors. They could have handled this in a much different way. But now we know. Now I think their real intent as to why they want to do it is very clear to us, and it's most unfortunate. By doing that, by bringing this piece of legislation into the House, not only are they reverting to their former position, since the Premier has taken Mr McMichael to court, indeed to fight the very same issues, but they have introduced this piece of legislation for what? To accomplish something they will really resent later on, because it's not the right thing to do. I believe the people of Ontario will find out it's the wrong way to go about it.

With all due respect to Mr McMichael—I think we are grateful, we are honoured for his contribution to the McMichael gallery. But what are the real roots? It is our culture, and there is other culture in that gallery as well that is making us proud. I think it is making Ontario proud—our culture—and even contributing to the McMichael collection.

I really don't know what has happened behind closed doors. But if I didn't have the explanation by the members today, I would say that the intent of the bill is something very sinister, almost shady, if I could say that, Mr Speaker. I think the members, the Premier and the minister would do well to take another good look at the bill.

**Mrs Elliott:** I listened very intently to my colleagues across the way, particularly the Liberal member who was speaking on this bill, and I had to wonder if he has been reading the same bill we have been presenting and debating here in the House.

What he just didn't seem to get or doesn't seem to understand is that this is a bill addressing a very specific institution, the McMichael gallery; addressing a very specific situation, a serious financial difficulty; addressing a very specific concern, which is a controversy that has raged over the years as to what the original mandate was and how the collection has changed from that mandate over the years.

This is a government bill that is coming in response to concerns that have been raised. We believe it is a reasonable bill. We believe it is fair. We believe it is the



right thing to do, and it is aimed specifically at this particular institution.

When my colleague across the way said he felt the government was, and I'm paraphrasing here—something about trying to determine what the people of Ontario can and cannot see, implying that somehow we were going to be interfering in deciding what art people can view and where. I mean, it's absolute and utter nonsense. What we are doing is honouring the original intent of the agreement between the McMichaels and their great gift to the province and following along on what they believed was going to happen to that collection, to that property, to that land.

It was a Liberal government that originally started us veering off track, going down a wrong road that clearly led to controversy and has certainly contributed to the financial instability of the institution. What we're doing now is introducing legislation that honours that commitment, that we believe is going to get it back on track and, like so many other galleries across the world, will allow the gallery to focus on a very specific type of collection, that type of collection to be determined by the art advisory committee.

1720

**The Acting Speaker:** The member for Windsor West in response.

**Mrs Pupatello:** I find it interesting that even now, even with the various comments allowed by all sides of the House, no one has yet answered the question: why did you defend yourselves in court, at the taxpayers' expense, and win, only to bring this bill in, which is exactly the reverse of what you won in court? Why don't you answer that question? Did anyone tell you the answer in your room there on the second floor? Are you too embarrassed to answer that question? It's very simple. I don't know why you're doing it and no one's explained it and you should, because the result is that we're spending three days of the first week in this House discussing this bill.

As far as the people in Windsor West and most places in Ontario—this is an important issue to these people related to the gallery, admittedly. It doesn't compare, however, with some of the most significant issues that have faced Ontario for as long as I can remember. There are people who have died as a result of things that have happened in this province, which the government of Ontario may well have had a hand in preventing. There is nothing more significant than that.

After three months of having been away, for me to come here to discuss this bill when there are issues like consultations with doctors that people in Windsor can't access, after listening to the litany of announcements all summer long about what you were supposedly doing to improve the health system—you're flush with cash and throwing the money around, but the money never actually arrives to make a difference in people's lives. Here I am facing the McMichael Canadian Art Collection Amendment Act, and the people of Windsor West want to know why. I would suggest that the members opposite

go back and ask your Premier's office why. Is this what you've been reduced to, that no one will answer your questions? That's about all I can say to this entire bill.

**The Acting Speaker:** Further debate?

**Mr Joseph Spina (Brampton Centre):** You know, when the member from Windsor West talks about being flush with cash, I remind her that her federal colleagues who run that big toilet in Ottawa are absolutely full of cash that could be flushed into the system.

**Mrs Pupatello:** Answer the question, Joe.

**Mr Spina:** And the reality is that the health care issues that you want resolved can be resolved in regulation and in policy. They don't have to be resolved in legislation. This piece of legislation was started last spring. We are about to finish it. We make a commitment; we follow it through. That's why we're debating this bill right now. Let's be clear about what the issues are before the House today.

**Mrs Pupatello:** Why don't you answer the question?

**The Acting Speaker:** The member for Windsor West will come to order. As we all know, this place works much better when only one member speaks at a time.

**Mr Spina:** Let me be clear about what the issues are before the House today. We continue the second reading of Bill 112, An Act to amend the McMichael Canadian Art Collection Act. The bill seeks to restore the intent of the original mandate that created the McMichael Canadian Art Collection and bring that collection back to financial health and prosperity. We're honouring a commitment that was made by Premier John Robarts on behalf of this province three and a half decades ago. Our government believes in commitments, in doing what we said we will do. This is the next stage of the bill, a bill that was introduced last spring.

I don't know what the member from Windsor West did for three months. It sounds like she did nothing, because I can tell you, as a member of this Legislature, along with a lot of other members of this Legislature in all three parties, we did a heck of a lot of work in our ridings, in addition to going to committee hearings and so on, and Speaker, I know you were well involved with some of those activities, as was I.

Robert and Signe McMichael gave this province their art collection, their home and their property in 1965. Last Thursday night, the McMichael collection hosted the Woodchoppers' Ball. The Woodchoppers' Ball is the single largest fundraiser that the McMichael collection has, and I was honoured to represent our minister and our government at that particular function as a major sponsor and supporter of the McMichael collection. The interesting thing is I didn't see, out of 300 supporters there, for all the rhetoric that I heard from the opposition bench, one Liberal member there to support what they say is a wonderful jewel.

Robert and Signe McMichael were personally there, wonderful people, happy to see that their prize is now being returned to its original intent. They donated their collection, their home and their property in 1965 for the purpose of creating a permanent and lasting tribute to the

work of the Group of Seven and other artists who contributed to the development of Canadian art. They did it so that Canadians far into the future, beyond our generation, our children, our grandchildren, can enjoy the art left behind by that remarkably gifted group of young people who comprised the Group of Seven and their circle. They had a vision of art, a vision that captured and celebrated the very spirit of our great land, art that was distinctly and proudly Canadian.

We all know how important the Group of Seven and their contemporaries were in creating Canada's national identity, an identity that we often walk around and search for, but this was really the essence of that identity. They were the major stepping stone in the ascent of Canadian culture. It's the heart of it. When we seek a Canadian identity, when we seek a Canadian culture, that's a place where we can find the true seed, the true appreciation for what we as Canadians are about.

That 1965 agreement was very explicit. It was explicit that the collection was to become crown property so as to protect this vital Canadian heritage. This bill redresses the injury inflicted by the drifting away from that original mandate over recent years. Even the 1972 reorganization of the McMichael collection, which made it a crown corporation, stayed within the limits set by the original gift. The legislation was amended again in 1982, but, again, it did not stray significantly beyond the general orbit of that 1965 agreement.

I quote the minister of the day, the honourable Reuben Baetz, during second reading debate in November 1981. Minister Baetz said: "This bill will continue and enhance the vision that the McMichaels had when they gave their collection, their home and land to the crown in 1965.... Nothing can ensure the integrity of the collection more thoroughly than the law itself."

Then, during the 10 lost years when so much in this province went wrong under two wayward governments, that mandate was changed. The 1989 legislation significantly changed the focus of the collection. The Liberal government of the day made the importance of the Group of Seven secondary to other collecting imperatives. It deprived the gallery of the uniqueness that had set it aside in the first place. This bill redresses that injury perpetrated by that change of direction, that drift away from the original vision of John Roberts and the wonderful couple known as the McMichaels.

We seek in Bill 112 to recognize, to preserve and to protect this unique chapter in our history.

1730

How much of the controversy and conflict surrounding the McMichael collection in recent years has been the result of that change of mandate? How many of the financial difficulties of the McMichaels have flown directly and indirectly from the attempt to distort the original intent of that collection? It's time for a change. It's time to bring fiscal health back to the McMichael collection.

I'm pleased that one of the elements of that really was another gentleman who I had the pleasure to meet and sit

and have dinner with last Thursday night at the Woodchoppers' Ball, their new director and CEO, Vincent Varga. Vince not only brings a good base of administrative skills and financial abilities to the operations of the McMichael collection, but he also brings what is just as important to any administrator of a cultural venue, and that is the appreciation of and the training and background for art.

One way to bring fiscal health to this collection is to restore the original vision of the McMichaels in the modified form found in this bill. It is supportive of the McMichael family; it is supportive of the new director. It gives them the tools with which they have a clear mandate to carry out the direction that the original donors wanted. Bill 112 honours that spirit. It honours that commitment of the government's 1965 agreement with the McMichael family and it restores the integrity of this generous gift that they made to us, the people of this province.

As my colleagues have said, it redefines the nature of the collection to reflect Canada's cultural heritage. Let me repeat what the legislation specifies. It specifies that the collection will "be comprised of artworks, objects and related documentary material created by or about Tom Thomson, Emily Carr, David Milne, A.Y. Jackson, Lawren Harris, A.J. Casson, Frederick Varley, Arthur Lismer, J.H. MacDonald and Franklin Carmichael." Let us not forget it also allows for the inclusion in the collection of other artists, including the much-loved aboriginal artists of our country who have made wonderful contributions to the development of Canadian art and have contributed greatly toward that wonderful thing we now have been able to begin to define far more clearly: the Canadian culture, the Canadian identity.

These artists will be designated by an art advisory committee on which Robert and Signe McMichael, as well as three others, will sit. They will have input into a collection that reflects their life's passion, their expertise and their commitment to leaving a memorial to art for the benefit of future generations. Having a new CEO like Vincent Varga just goes that much further toward contributing to the development of a wonderful collection for the future.

Let me be clear: our government believes it is honouring a commitment made by several Ontario governments that the McMichael Canadian Art Collection should reflect the artistic vision of its founders. We also believe that failure to do this has contributed substantially to the fiscal problems faced by the McMichael in recent years, and particularly the \$1.6-million deficit of this year alone. It is our duty to manage the province's considerable investment in this public institution so as to revitalize and rebuild it. That's why our plan to get the gallery back on track includes a number of steps that would improve the operations, improve the finances and the governance of this collection. The appointment of Hamilton philanthropist and industrialist David Braley was an important step in this regard, another individual with whom I had the pleasure



of sharing the table at this Woodchoppers' Ball. In speaking with Mr Braley, I was most impressed about the focus and the direction that he was pleased at being able to get and to bring forward to the board of directors, to make sure that the McMichael gallery becomes again what it was intended to be and what we would all love it to be in the future.

This government is also providing \$2 million to fix the roof, windows and mechanical systems of the building that houses that collection.

The government is confident that with better financial management—which we are confident will come from Mr Varga—improved facilities and, most importantly, a clear sense of direction and mandate, the McMichael will rebound in public sentiment.

We sometimes wonder, as some people describe, where it is. That's a question a lot of people I've known over the years have asked: "Where is this McMichael collection and what is it all about?" When they ask, they ask with a little bit of awe in their voice, and that's wonderful, because when people have heard something about the McMichael collection, it's not an institution. Without deriding the Royal Ontario Museum or the Art Gallery of Ontario, they sound fairly institutional. But when you talk about the McMichael collection, it becomes personal. It feels personal because it is personal. It was a personal gift from a private couple who had a lifelong passion and as they got on in years wanted to be able to share that passion with the people of not only our country but of course guests who visit.

Being in the Ministry of Tourism, we get many requests to see various kinds of attractions and venues that people can come and visit. We have something that virtually no other country in this world has, and it's called the Group of Seven. The artists that I listed earlier are absolutely unique to this country. Yes, I've been to other countries where certain artists are identified. I look at the country of my own heritage, Italy, with many artists and sculptors—"sculptists" I guess is the word. I look to my colleague across the floor, the member from Hamilton—

**Mrs Marie Bountrogianni (Hamilton Mountain):** Hamilton Mountain.

**Mr Spina:** Hamilton Mountain. Thank you. I know she, of Greek heritage, is proud of some of the artists and artisans who come from her culture. Those people have contributed so much to the arts and culture of our world that we appreciate, but they never had a Group of Seven. They painted many things, they sculpted many items, that depicted religion, they depicted the countryside. But, in essence, the Group of Seven had something very unique. It depicted something that is dear to all of us: it depicted Canada. That's why it will attract art lovers from around the world and become a magnet for those who admire this most Canadian of painting schools.

Let me also repeat what my colleagues and Minister Johns have already said about this bill: it is a unique response to a unique situation. It has nothing to do with any other institution in the province, any other museum

or art gallery. I'll repeat that. It has nothing to do with any other institution in this province, any other museum or art gallery, because, as I said, it is a personal gift, it is a personal prize, it is a personal treasure.

**1740**

There is no intention to challenge the artistic freedom of the arm's-length relationship the government maintains with its agencies. It is not our job to dictate artistic tastes or to make decisions about what is or is not good art.

Can it be any clearer? I don't think so. We're ensuring an agreement made by the province in 1965, adhered to in its essentials until 1989, is honoured in good faith. In the process, we are trying to protect the interests of Ontario taxpayers who want a gallery that will attract visitors and partners, rather than repel them by controversy and conflict.

At the Woodchoppers' Ball it was amazing to see the personalities, the private sector partners who were so generous and willing to contribute to this wonderful treasure. I have no idea how much money they raised, but I do know that it was substantial. It was certainly within the six-figure range. I do know that if anyone chooses to participate in this event next year—because it is annual; this is the sixth one they've had—it is a truly enjoyable event. I ask members of the opposition, if you have the opportunity, please go. It's a lot of fun. You mix denim with black tie and they have some wonderful contributors there who lead and build up to the warmth of the moment around that collection.

By passing Bill 112, the Legislature will have fulfilled its role of restoring the integrity and financial health of a unique art collection that reminds us all of what it means to be, most importantly of all, Canadian.

**The Acting Speaker:** Questions and comments?

**Mr Ernie Parsons (Prince Edward-Hastings):** We're now on the second day of Bill 112. Last Thursday afternoon I had the pleasure of meeting with Carrie Guy and Kendra Banfield. They're the president and vice-president of the student council at Prince Edward Collegiate Institute in Picton. They wanted to talk to me because they had concerns: their teachers are now teaching four classes out of four, and when they need to talk to a teacher during the day, that teacher is in class, not available. They would like to talk to the teacher after school, but they are predominantly a rural community and they have no late bus, so they take the bus to get home.

They said to me, "Go to Toronto. We know a priority with this government will be the education system. Take our message to Toronto." The priority isn't the education system. The priority is the bill for the McMichael gallery.

A gentleman called me Sunday evening. His mother-in-law, who's 87 years of age, fell and broke her hip. She was air-ambulanced to a hospital. Obviously, the fact that she was air-ambulanced indicates it's a priority. She was air-ambulanced Friday evening and was operated on late Sunday afternoon. He said to me, "This government has made commitments to fix health care. Go and use my

example, because you will be talking about that when you get back to the Legislature.”

We’re not talking about it; we’re talking about a bill that has the lowest priority, to the point that it shouldn’t be before the House. This is a bill to fix a problem that doesn’t exist. The province made an arrangement that provided funding for many years and is now giving back to a couple far more than they ever donated to the province. This is a bill that says, “I’m going to help out Mike Harris’s friends.” That is offensive to the people of Ontario. When we consider what the priorities are facing us, whether it be law and order, whether it be education, whether it be health, whether it be safe drinking water—and we are now in our second day debating a bill about paintings.

**Ms Lankin:** I appreciate the remarks of the member from Brampton Centre. I’m trying to understand what the nub of the disagreement is that we’re having, because all of us agree on the importance of the very cherished gift of the McMichael donation, and particularly the Group of Seven, the amazing work that’s there.

I don’t see anything that has happened over time that has taken away from that centrepiece of the McMichael. I have seen decisions by the board and by governments who have looked at the structuring legislation that says, “How do we keep this gallery alive and living and into the future?” Part of that has been a decision to bring in more contemporary Canadian works to showcase alongside the groundbreaking work of the Group of Seven, but it doesn’t take away from the Group of Seven. So there’s a dispute and disagreement around, “Does it take away or not?” but is that worthy of this kind of bill or legislative debate?

I’m trying to look behind it, and one of the themes from a number of members of the government who have spoken is the issue around the financial viability of the gallery. In fact, that was at the core of the very reason decisions were taken in the past by the board of directors and the advisory committee and governments to allow an expanded and ever-living mandate for the gallery. Yes, there is need for public support, ongoing public subsidization. That will continue.

If the issue is about financial viability, I would suggest to you that this bill is going to make it much more difficult to sustain that gallery financially. Perhaps we should have an airing of that issue. I fail to understand why this has been done behind closed doors. Let’s have public hearings and let’s hear from people and let’s examine this issue, because surely all of us want this important collection and gallery to remain financially viable into the future.

**Mrs Julia Munro (York North):** I think that part of the debate we are hearing today should also include something to respond to the fact that we’re talking here about an issue of national identity. There are always issues with regard to events that take place or contributions that individuals make that identify us. I think that in the same way that many look at events like the Canadians at Vimy Ridge during World War I as a

turning point, a recognition of Canadian identity, so also in works of art that the Group of Seven provided do people see a turning point.

It was certainly an opportunity to recognize a very unique Canadian art form. It was something that in its time created a certain controversy, and it was in the spirit of that recognition that this gallery was set up. I think that is easily overlooked. Generations of students have been able to take advantage of this unique experience, and it is important, obviously, for us to be able to continue to make sure that this unique step in the art history and the identity of this country are maintained.

It’s certainly fitting that we should be looking at returning this gallery to its original mandate, recognizing the fact that this is part of that Canadian identity, and it will certainly help then to have this collection, have the restoration of its financial health and preserve these valuable pieces.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** First, perhaps I’d like to make a comment with regard to the observation made by the member from Brampton Centre. He talked about attending the Woodchoppers’ Ball and he noted that there were no Liberals there. I just asked my colleagues who are sitting here with me, and you know what? None of us got invited. I think it would be a wonderful experience and I would suggest that maybe if you would like to add the entire Liberal caucus to the list, you might be surprised at who would show up at the ball next year. It certainly sounds like a wonderful event. I thank the member opposite for bringing it to our attention. We’ll look for that in the mail.

I just want to make a comment about a term, and I think the people watching must wonder why the government is involved with the McMichael collection anyway. How did that happen? We are certainly aware that the McMichaels provided the opportunity for the collection to become a provincial resource, in fact a national resource. But I think it’s important as well to mention that the McMichaels, while we call it a gift, were compensated for that. The gift had a value of about \$800,000 and they received a tax receipt for that amount. They were also given the right to live in the house from about 1965 to 1983, and they were given a car and a housekeeper at the province’s expense. Mr McMichael was given a salary of \$400,000 for four years, and the government purchased another house for them for \$300,000. So it’s important for the record that people understand the people of Ontario have a vested interest in the collection.

**The Acting Speaker:** In response, the member for Brampton Centre.

**Mr Spina:** Thank you, to the members: my colleague from York North, my colleagues from Prince Edward-Hastings, Hastings-Frontenac-Lennox and Addington—did I get that right, Leona? Hey, good—and of course the member from Beaches-East York.

To try to address a couple of questions, to the member from Beaches-East York, I think the difference was that



when the original collection was donated, the context was that it should be Canadian contemporary art, and the board, in its expanded mandate, made it into contemporary art in general. Partly as a result of those decisions, part of the problem that impacted them financially was that they made some substantial purchases which shot the deficit up from about \$300,000 to \$1.6 million in about a year, because of some contemporary purchases that we understand were made. What we've done is obviously tightened that back to Canadian contemporary art.

That's more a matter of explanation to your question. I'm not sure whether there's still a disagreement in terms of your support of the bill.

In response to the member from Hastings-Frontenac-Lennox and Addington—almost as bad as Bramalea-Gore-Malton-Springdale—I'd be happy to refer you to my friend—Sergio's friend also—from the city of Vaughan. Councillor Joyce Frustaglio is the chair of the Woodchoppers' Ball, and it is not the provincial government that invites people; it is the volunteer committee that's a subsection of the board of directors. We'd be happy to let them know.

**The Acting Speaker:** It being very close to 6 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 1753.*

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Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Beaches-East York	Lankin, Frances (ND)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
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Brampton Centre / -Centre	Spina, Joseph (PC)		
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		<b>Hampton, Howard</b> (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
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Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	Beaubien, Marcel (PC)
Davenport	Ruprecht, Tony (L)		<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Intergovernmental Affairs, government House leader / ministre des Affaires intergouvernementales, leader parlementaire du gouvernement
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Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Minister of Transportation / ministre des Transports	Lambton-Kent-Middlesex	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Dufferin-Peel- Wellington-Grey	Tilson, David (PC)	Lanark-Carleton	Wood, Bob (PC)
Durham	O'Toole, John R. (PC)		Mazzilli, Frank (PC)
Eglinton-Lawrence	Colle, Mike (L)	Leeds-Grenville	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Solicitor General / solliciteur général
Elgin-Middlesex-London	Peters, Steve (L)		<b>Sampson, Hon / L'hon Rob</b> (PC) Minister of Correctional Services / ministre des Services correctionnels
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines	London North Centre / London-Centre-Nord	DeFaria, Carl (PC)
Essex	Crozier, Bruce (L)		<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children) / ministre sans portefeuille (Enfance)
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of Labour / ministre du Travail	London West / -Ouest	
		London-Fanshawe	
Etobicoke North / -Nord	Hastings, John (PC)	Markham	
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Mississauga Centre / -Centre	
Guelph-Wellington	Elliott, Brenda (PC)		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Mississauga East / -Est	
Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion	Mississauga South / -Sud	
Halton	Chudleigh, Ted (PC)		



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga West / -Ouest	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones	Scarborough East / -Est	Gilchrist, Steve (PC)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Minister of the Environment / ministre de l'Environnement
Niagara Falls	Maves, Bart (PC)	Scarborough-Agincourt	Phillips, Gerry (L)
Nickel Belt	Martel, Shelley (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Nipissing	<b>Harris, Hon / L'hon Michael D.</b> (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe North / -Nord	Dunlop, Garfield (PC)
Northumberland	Galt, Doug (PC)	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister without Portfolio / ministre sans portefeuille	St Catharines	Bradley, James J. (L)
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	St Paul's	Bryant, Michael (L)
Oshawa	Ouellette, Jerry J. (PC)	Stoney Creek	Clark, Brad (PC)
Ottawa Centre / -Centre	Patten, Richard (L)	Stormont-Dundas- Charlottenburgh	Cleary, John C. (L)
Ottawa-Orléans	Coburn, Brian (PC)	Sudbury	Bartolucci, Rick (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thornhill	Molinari, Tina R. (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay- Superior North / -Nord	Gravelle, Michael (L)
Oxford	<b>Hardeman, Hon / L'hon Ernie</b> (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parry Sound-Muskoka	<b>Eves, Hon / L'hon Ernie L.</b> (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Perth-Middlesex	Johnson, Bert (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Peterborough	Stewart, R. Gary (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Education / ministre de l'Éducation	Vaughan-King-Aurora	<b>Palladini, Hon / L'hon Al</b> (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Prince Edward-Hastings	Parsons, Ernie (L)	Waterloo-Wellington	Arnott, Ted (PC)
Renfrew-Nipissing- Pembroke	Conway, Sean G. (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
		Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

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Gilles Bisson, Alvin Curling, Gerard Kennedy,  
Frank Mazzilli, John R. O'Toole, Steve Peters,  
R. Gary Stewart, Wayne Wettlaufer  
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Vice-Chair / Vice-Présidente: Julia Munro  
Toby Barrett, Marie Bountrogianni, Ted Chudleigh,  
Garfield Dunlop, Steve Gilchrist, Dave Levac,  
Rosario Marchese, Julia Munro  
Clerk / Greffière: Anne Stokes

**Government agencies / Organismes gouvernementaux**

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Vice-Chair / Vice-Président: Bruce Crozier  
James J. Bradley, Bruce Crozier, Leona Dombrowsky,  
Bert Johnson, Morley Kells, Tony Martin,  
Joseph Spina, Bob Wood  
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**Justice and Social Policy / Justice et affaires sociales**

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Marcel Beaubien, Michael Bryant, Carl DeFaria,  
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Lyn McLeod, Marilyn Mushinski  
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**Legislative Assembly / Assemblée législative**

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Marilyn Churley, Brad Clark, Caroline Di Cocco,  
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Vice-Chair / Vice-Président: John C. Cleary  
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Règlements et projets de loi privés**

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Vice-Chair / Vice-Président: Garfield Dunlop  
Gilles Bisson, Claudette Boyer, Brian Coburn,  
Garfield Dunlop, Raminder Gill, Pat Hoy,  
Frances Lankin, Bill Murdoch  
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